

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

- - -

ROBERT SIX, et al.,	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	Case No. 2:11-cv-00698
	:	Judge Graham
ROBERT BEEGLE, et al.,	:	Magistrate Judge Abel
	:	
Defendants.	:	

- - -

Deposition of ROBERT SIX, a Plaintiff  
called by the Defendants under the applicable Federal  
Rules of Civil Procedure, taken before Denise L.  
Shoemaker, a notary public in and for the State of  
Ohio, pursuant to notice and stipulations of counsel  
hereinafter set forth, at the law offices of Lavelle  
and Associates, 449 East State Street, Athens, Ohio,  
commencing on Thursday, April 11, 2013, at 10:19 a.m.

- - -

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10 Fitch and Jonathan Jenkins.

11 - - -

12 ALSO PRESENT:

13 Adam Smith, Defendant.

14 - - -

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1 THURSDAY MORNING SESSION,

2 April 11, 2013

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4 STIPULATIONS

5 It is stipulated by and among counsel  
6 for the respective parties that the deposition of  
7 Robert Six, a Plaintiff called by the Defendants  
8 under the applicable Federal Rules of Civil  
9 Procedure, may be taken at this time in stenotypy by  
10 the notary; that said deposition may thereafter be  
11 transcribed by the notary out of the presence of the  
12 witness; that proof of the official character and  
13 qualification of the notary is waived; that the  
14 examination, reading, and signature of the said  
15 Robert Six to the transcript of his deposition are  
16 expressly waived by counsel and the witness; said  
17 deposition to have the same force and effect as  
18 though signed by the said Robert Six.

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1       Thereupon,

2                               ROBERT SIX

3                       being by me first duly sworn, as  
4       hereinafter certified, deposes and says as follows:

5                               CROSS-EXAMINATION

6       By Mr. Bernhart:

7               Q       Good morning, Mr. Six. Thank you for  
8       coming today.

9               A       Uh-huh.

10              Q       We just met. My name is Paul Bernhart.  
11       I represent what I'll refer to as the Meigs County  
12       defendants in the case. You've brought this lawsuit  
13       against a number of different deputies and various  
14       law enforcement officers, various agencies. I  
15       represent the Meigs County defendants, as well as  
16       Deputy Rhodes of Washington County.

17                       There are attorneys here who represent  
18       all of the other defendants in the case. Everyone  
19       will have an opportunity to ask you questions today,  
20       but I'm going to take the lead in doing so.

21                       Have you had your deposition taken  
22       before?

23              A       No.

24              Q       We'll go over a few ground rules. Your

1 attorney probably explained this to you, but we will  
2 do it again.

3 You can see there is a court reporter  
4 here. So I'm going to need you to speak up so that  
5 she can hear you and then give audible answers as  
6 opposed to shaking of your head or huh-uh, uh-huh.  
7 Yes and no would be better.

8 We can take as many breaks as you would  
9 like today. I just ask that we don't take a break  
10 while a question is pending. So if you need to take  
11 a break, answer whatever question I've asked and then  
12 let me know. Do you understand those rules?

13 A Yes.

14 Q Are you currently under the influence of  
15 any medication, drugs, alcohol, or any substance that  
16 would impair your ability to testify truthfully  
17 today?

18 A No.

19 Q What did you do to prepare for today's  
20 deposition?

21 A Well, I talked to Scott. He told me --

22 Q I don't want to know what you and your  
23 attorney talked about. Did you do anything besides  
24 talking with your attorney?

1           A       Just tried to relax last night.

2           Q       Did you review any documents to prepare  
3       for today?

4           A       Not yesterday. I mean, I have the  
5       documents that we filed, you know, the discovery and  
6       so forth, but I didn't do anything special for today.

7           Q       So you haven't reviewed any documents in  
8       the last week or two?

9           A       The gun list.

10          Q       Which gun list is that?

11          A       Well, there was a list that I had  
12       compiled that listed some guns. Then there was  
13       another list that I didn't really think about until a  
14       couple days ago that was prepared by Jagers, and I  
15       went through those and reconciled those with the  
16       discovery because there was some discovery documents  
17       that -- to make a long story short, there were some  
18       guns that he had listed as missing that weren't  
19       missing, and I had to reconcile that list and then  
20       add it to mine.

21          Q       You've prepared notes, and you've  
22       compiled a list of guns that you believe are missing,  
23       correct?

24          A       Correct.



1           Q     Are there any documents you have  
2     relative to the case or any claims you have you  
3     haven't provided to your attorney yet?

4           A     No, he has everything.

5           Q     Your attorney has everything --

6           A     Yes.

7           Q     -- that you have related to this case?

8           A     Yes.

9           Q     Have you talked to anyone besides your  
10    attorney about your claims in this case?

11          A     Just my wife.

12          Q     Have you talked to Mr. Jagers about your  
13    claims in this case?

14          A     I haven't seen him in years, no.

15          Q     I want to go over some background  
16    information before we get into the substance of your  
17    claims.

18                   Mr. Six, do you go by any other aliases  
19    or have you had any prior names?

20          A     No.

21          Q     Your middle name is?

22          A     Bernard.

23          Q     What is your current address?

24          A     26225 Rutherford Road, Albany.

1 Q How long have you lived at that address?

2 A Thirty-three years.

3 Q Is that in Meigs County?

4 A Yes.

5 Q It's Meigs?

6 A Meigs, uh-huh.

7 Q Where did you live prior to that?

8 A In Troy, Ohio. Right there at Gearhart  
9 Road in Troy. I can't remember the number.

10 Q Where is Troy, Ohio?

11 A It's Montgomery, just north of Dayton.

12 Q In Montgomery County?

13 A I can't remember if it was Montgomery or  
14 the next county north. It's been a long time ago.

15 Q I understand you've lived at your  
16 current address since moving from Montgomery  
17 County --

18 A Yes.

19 Q -- from Gearhart Street?

20 A Yes.

21 Q Are you presently married?

22 A Yes.

23 Q What is your wife's name?

24 A Bobbi.

1 Q What is her middle name?

2 A Gail, G-a-i-l.

3 Q And Six is her last name as well?

4 A (Witness nods affirmatively).

5 Q Yes?

6 A Yes. Sorry.

7 Q What was her maiden name?

8 A Jones.

9 Q How long have you been married to Bobbi?

10 A Thirty-two years.

11 Q Are you presently living together?

12 A Yes.

13 Q Were you married here in Meigs County?

14 A Yes. No, let me take that back. We  
15 were married in Athens County. Sorry about that.

16 Q That's all right.

17 A It's been a while.

18 Q One of the other ground rules that I  
19 failed to mention was that if there's anything I ask  
20 you today that you can't remember and you remember  
21 after leaving today's deposition, I would ask that  
22 you let your attorney know so that we can supplement  
23 the record and have a complete record.

24 It's also important that you understand

1 the questions I ask. So if there's anything I ask  
2 today that you don't understand, please let me know.  
3 At some point your transcript will be submitted to  
4 the court for a judge to review, and we want to make  
5 sure that you understood the questions and that you  
6 gave truthful responses. Understand?

7 A Yes.

8 Q Great.

9 Do you have any previous marriages?

10 A Yes.

11 Q Who were you previously married to?

12 A Let's see, Kathleen Gearon.

13 Q Gearon?

14 A G-e-a-r-o-n.

15 Q When were you married to Ms. Gearon?

16 A 1977.

17 Q How long were you married?

18 A Three years. Before that Elizabeth Jane  
19 Flynn.

20 Q How long were you married to Ms. Flynn?

21 A Nine years.

22 Q What was the basis of your separation  
23 from Ms. Flynn?

24 A It was a no-fault divorce. Same with

1 Kathleen, no-fault divorce.

2 Q Do you have children with either of your  
3 previous wives?

4 A Yes, from Jane, Elizabeth Jane. My  
5 daughter is Kimberly. Kimberly Ann Marcum is her  
6 name now.

7 Q Marcum?

8 A Uh-huh.

9 Q Did she previously go by Kimberly Ann  
10 Six?

11 A Yes.

12 Q Approximately how old is Kimberly?

13 A She was born in '66, so she's 46.

14 Q Born in 1966?

15 A Yeah. October 31st.

16 Q Any other children from previous wives?

17 A No, that's it. Just one.

18 Q Kimberly, does she live in the county?

19 A No, she lives in Monroe, Ohio.

20 Q Do you have any children with Bobbi?

21 A No.

22 Q Any other children?

23 A No.

24 Q Briefly describe your -- let's talk

1       about your education. What is the last grade you  
2       completed?

3               A       College one year.

4               Q       Did you obtain a degree or certificate?

5               A       No.

6               Q       Since you went to college, I assume you  
7       graduated high school?

8               A       Yes.

9               Q       Where did you graduate?

10              A       Wilbur Wright in Dayton, Ohio.

11              Q       What year did you graduate high school?

12              A       1966.

13              Q       Where did you attend one year of college  
14     at?

15              A       Sinclair in Dayton.

16              Q       What year was that, if you remember?

17              A       '67.

18              Q       So you went to Sinclair immediately  
19     after graduating high school for a year?

20              A       Yes.

21              Q       Why did you not continue your schooling  
22     at Sinclair?

23              A       Well, I was working full time because my  
24     daughter -- I had my daughter and I was married, and

1       it just -- I couldn't keep up with working nights and  
2       going to school in the daytime. It just wouldn't all  
3       reach.

4               Q       Where were you working at the time?

5               A       R.W. Six Carthage. My dad had a  
6       trucking company.

7               Q       R.W. Six?

8               A       Yes. That's my father. Carthage  
9       C-a-r-t-h-a-g-e.

10              Q       What was the nature of the business?

11              A       Trucking company.

12              Q       Besides your one year at Sinclair, have  
13       you received any other post-secondary education?

14              A       Law enforcement training and fire  
15       service training and emergency medical technician.

16              Q       Let's take those in order. Where did  
17       you receive law enforcement training?

18              A       Vandalia Police Academy.

19              Q       Vandalia?

20              A       Yes.

21              Q       What year was that?

22              A       '71 into '72.

23              Q       Did you receive a certificate --

24              A       Uh-huh.

1 Q -- from there?

2 A Uh-huh. Yes. Sorry.

3 Q Is there a name for the certificate that  
4 you received?

5 A It's just a certification, you know. I  
6 can't really remember what it was called. Law  
7 enforcement training certification.

8 Q Did you ever attend the police officer  
9 academy?

10 A Yeah.

11 Q Did you --

12 A After they closed out, then we moved out  
13 to Dayton. I was a range officer.

14 Q Did you become OPOTA certified at any  
15 time?

16 A I think that's what it was called, yeah.  
17 I became a full-time police officer there in Oakwood,  
18 which is a suburb of Dayton.

19 Q What year was that?

20 A After I completed school. I was a  
21 trainee while I was in school, but I was on -- I was  
22 on the police department starting in 1971.

23 Q With Vandalia or --

24 A That was Oakwood. Vandalia was the



1 training. The police training school was Vandalia.  
2 I was a police officer in Oakwood.

3 Q I want to get back to that in just a  
4 moment, but I want to finish talking about your  
5 education.

6 You stated you received fire service  
7 training?

8 A Uh-huh.

9 Q Where was that?

10 A That was -- just a minute and I will  
11 tell you. Piqua. Piqua had a fire training academy.

12 Q And did you complete that training?

13 A Uh-huh.

14 Q Did you obtain a certificate?

15 A Yeah.

16 Q Was the certificate from Piqua?

17 A Uh-huh.

18 Q Piqua is a city?

19 A Yes.

20 Q In Montgomery County?

21 A No, I don't think. It was --

22 Q Perhaps Miami?

23 A I think it might have been Miami County.

24 Q You further indicated that you received

1 EMT training?

2 A Yes.

3 Q Where was that?

4 A Kettering Hospital in Kettering, Dayton.

5 Q What year was the fire service training?

6 A They were really close together, the  
7 police and fire. It was just one after the other.

8 Q In the 1970's?

9 A Yeah, uh-huh.

10 Q Was the EMT training also in the 1970's?

11 A Uh-huh.

12 Q Did you obtain a certificate from going  
13 through the EMT training?

14 A Yes.

15 Q Are your certificates still good, for  
16 lack of a better word, in all three disciplines?

17 A No, because you have to be recertified  
18 periodically, and I didn't keep up with the  
19 recertifications.

20 Q For?

21 A For any of them. I left the profession.

22 Q Were you ever employed as a fireman?

23 A Uh-huh.

24 Q Where at?

1 A Oakwood.

2 Q Was that at the same time you were a  
3 police officer for Oakwood?

4 A That's correct.

5 Q How about an EMT?

6 A Same.

7 Q Oakwood?

8 A Uh-huh.

9 Q So when you were working for the City of  
10 Oakwood or village --

11 A City.

12 Q -- City of Oakwood, you were a  
13 policeman, a fireman, and an EMT officer?

14 A That's right, uh-huh.

15 Q Did you report to the same person for  
16 each of those?

17 A There was a city safety director that  
18 headed all three departments. So I think the answer  
19 is yes.

20 Q You ultimately reported to the city  
21 safety director?

22 A Well, there was a chain of command and  
23 he's at the top.

24 Q I understand.

1                   A       Sergeant and captain and then on up the  
2       way.

3                   Q       Chief of police?

4                   A       Yeah.

5                   Q       So you worked for your dad's trucking  
6       company in the late 1960's?

7                   A       (Witness nods affirmatively).

8                   Q       Did you have any employment between the  
9       trucking company and the City of Oakwood?

10                  A       I drove for Trojan Freight Lines.  
11       Several different companies. I was in the union. I  
12       was in the teamsters union. I was sent out to  
13       different companies. That's the way it works in the  
14       union. You go into the workplace, if you're there 30  
15       days, you become full time and so on.

16                   I can't really sit here and name the  
17       different companies, but Trojan was the first one I  
18       worked for. There were some other ones. I'd have to  
19       think about it a while. It will come back to me.

20                  Q       Did you go right from the trucking  
21       industry to the City of Oakwood?

22                  A       Uh-huh, yes.

23                  Q       What was the reason for you leaving the  
24       union or leaving employment in the trucking industry?

1           A     Well, I just wanted to try something  
2     different, you know, then I went back to it after I  
3     left Oakwood.

4           Q     Prior to going to Oakwood, were you ever  
5     terminated from any job in the trucking industry?

6           A     No. No.

7           Q     How long were you employed with the City  
8     of Oakwood?

9           A     Five years.

10          Q     What were the reasons that you left  
11     employment with the City of Oakwood?

12          A     I wanted to go back, I wanted to do  
13     something else. I didn't really -- I didn't care  
14     that much for it. I was away from home too much. It  
15     was too demanding. It was taking a toll on my wife,  
16     and ultimately we wound up getting divorced. Just  
17     wasn't working out.

18          Q     Did you resign from your position with  
19     the city?

20          A     Yes.

21          Q     What year was that?

22          A     '76.

23          Q     Did you voluntarily resign?

24          A     Uh-huh.

1 Q Yes?

2 A Yes.

3 Q Do you know whether you were under  
4 investigation for anything at the time of your  
5 resignation?

6 A No, I don't remember being under  
7 investigation for anything.

8 Q Had you had any discipline with the  
9 city?

10 A Not that I can remember. I pretty much  
11 got pretty much glowing reviews, best I can recall.

12 - - -

13 Thereupon, Defendant's Exhibit A was  
14 marked for purposes of identification.

15 - - -

16 By Mr. Bernhart:

17 Q I'm going to hand you a couple  
18 documents. Take a moment and review the documents I  
19 just handed you that have been marked as Exhibit A.

20 A I don't remember receiving any of these  
21 papers back then.

22 Q Have you had a chance to review --

23 A I read them.

24 Q -- the four pages I have handed you?

1 A Yes.

2 Q Have you seen these documents before?

3 A No. This is my resignation letter.

4 Q The first page, which is identified at  
5 the bottom as P23, is your letter of resignation?

6 A Uh-huh.

7 Q The second page, which is identified as  
8 Page P28, do you recognize receiving this document?  
9 Do you remember receiving this document, I should  
10 say?

11 A No, I don't remember receiving it. Now  
12 that I look at it, I remember us discussing this at  
13 the time.

14 MR. PETTEY: Note an objection for  
15 the record as to these documents and his employment  
16 as a police officer back then. There is no claim for  
17 any lost wages or anything relating to his employment  
18 as he is retired. So we would object based on  
19 relevance, but you can go ahead and answer the  
20 questions.

21 Q Okay. I want to skip to the third page  
22 for a moment and ask you about the fourth page, which  
23 is marked P29 at the bottom.

24 A Okay.

1           Q       Does this document help refresh your  
2       recollection as to any discipline you received with  
3       the department?

4           A       I don't remember receiving this  
5       document. January 18th of '74. That was actually  
6       earlier than the other documents you gave me.  
7       They're from '76. This one is from '74.

8           Q       The final documents you've just  
9       described pertain to your resignation. They're dated  
10      1976. This is from 1974.

11          A       Oh, all right. I remember that now. I  
12      do remember what happened. The date, January the  
13      18th, I know what it was.

14                 MR. PETTEY:       Again, I'll note an  
15      ongoing objection to questions relating to these  
16      documents, but you can go ahead and answer.

17          A       Yeah. I went -- this is January 18th.  
18      On New Year's Eve I was off duty and I went into the  
19      department basically to tell everybody happy New  
20      Year's. And I got in there and they were drinking,  
21      and they asked me if I wanted a drink and I said no,  
22      I don't drink. I don't drink.

23                 Then somehow the department superiors  
24      found out about it, and they pulled me in and they



1       threatened a bunch of stuff. They said, you have to  
2       tell us, you have to tell us. I said, I'm not going  
3       to tell you. This isn't going to happen. And that's  
4       what generated this paper here. I wouldn't tell on  
5       who did what.

6               Q       So it's your understanding that all  
7       three of these charges -- conduct unbecoming an  
8       officer, conduct subversive or antagonistic to the  
9       order and discipline of the department and  
10      insubordination -- all relate to you refusing to --

11             A       Snitch.

12             Q       -- refusing to answer the questions of  
13      your superior officers?

14             A       That's correct.

15             Q       Do any of these relate to the underlying  
16      drinking at the department?

17             A       They were drinking on New Year's Eve.  
18      I've never admitted that to anybody, but I'm telling  
19      you today for the first time they were drinking.

20             Q       The other officers?

21             A       Yes. I was off duty anyway. Had I had  
22      a drink, I think it would have been a violation since  
23      it was in the police station, but I didn't drink. It  
24      wouldn't matter anyway because I was off duty.

1 Q You weren't charged with --

2 A No. All they wanted me to do was say,  
3 you know, what do I know, what did I see, and who did  
4 what and all that. I said, no, that's not happening.

5 Q Did you receive discipline for this?

6 A I can't remember if they did anything to  
7 me over that or not.

8 Q Did you attend a predisciplinary  
9 hearing?

10 A You know, it's just been too long. I  
11 can't remember what came out. I just barely remember  
12 that incident, you know. After I looked at this  
13 date, then it rang a bell. It took them a couple  
14 weeks to find out about it. I don't know how they  
15 found out about it.

16 Q So sitting here today, you cannot  
17 remember whether you received any discipline from the  
18 department?

19 A I might have got some time off over it  
20 or something because I wouldn't tell.

21 Q Some type of suspension?

22 A Yeah, uh-huh.

23 Q Now, I would ask that you turn to the  
24 page before that, which is the third page of Exhibit

1 A and it's identified at the bottom as Page 21. Mr.  
2 Six, you previously testified that you were not under  
3 investigation at the time of your resignation. Does  
4 that document help refresh your recollection as to  
5 whether there was an investigation pending against  
6 you internally?

7 A You know, I remember them coming up with  
8 all these charges. To tell you the truth, after this  
9 incident here in '74, they didn't really care for me  
10 anymore. Not the guys I was working with but the  
11 hire-ups.

12 Just like this, I'm not -- I probably  
13 shouldn't volunteer this. But I was involved in  
14 cockfighting and it was legal until 1976. That's  
15 when the law changed, for example.

16 Prostitution, the only prostitution was  
17 when we were investigating a lady's clothing  
18 establishment there in Oakwood that was a front for  
19 prostitution.

20 Involvement with marijuana and other  
21 drugs, what I told them when I hired in was that I  
22 had smoked it in high school.

23 Moonshine, we had a party at my house  
24 and the chief came out and they were asking me -- my

1 wife was from Tennessee, and they asked me, "Can you  
2 get some moonshine?" I said, "Well, I'll see." My  
3 mother-in-law got a bottle of it, and we had it at  
4 the New Year's Eve party and the chief drank it right  
5 along with everybody else.

6 Point 5, I lived on a farm and I shot  
7 dogs that were in my chickens, sure. They didn't --  
8 the charges didn't go any place. They tried to make  
9 it look like it was a big deal, but basically what  
10 they wanted me to do was leave.

11 Q So --

12 A They offered me \$10,000 if I give them  
13 my resignation.

14 Q Wait a moment. Let me ask my question.  
15 Apart from the prostitution charge, it seems like you  
16 acknowledged at the time engaging in some of the  
17 other behaviors?

18 A Yeah, it wasn't illegal. Cockfighting  
19 was legal until '76.

20 Q So you disputed whether that violated  
21 any type of departmental policy?

22 A It didn't until it was illegal. Then  
23 they said, "Are you going to quit?" I said, you  
24 know, there was a lot of police officers involved in

1       it at the time.

2               Q       This seems to indicate that there was an  
3       investigation going on against you. The subject of  
4       this memo is Internal Investigation, Patrolman R.  
5       Six.

6               A       I don't know who -- I'm not sure what  
7       "investigation" means.

8               Q       This document, what is the date of it?

9               A       April 5 of '76.

10              Q       The first page of Exhibit A is your  
11       letter of resignation?

12              A       April 9th, yeah.

13              Q       So four days after this memo was issued?

14              A       Uh-huh.

15              Q       Had you seen a copy of this memo prior  
16       to your resignation?

17              A       I don't remember seeing one. In fact,  
18       it's not addressed to me.

19              Q       Like you said, you were aware of the  
20       allegations being leveled against you?

21              A       Yeah. I was a little surprised that  
22       they came up with this stuff because, you know,  
23       involvement in moonshine, you know, I was sitting  
24       there drinking with the chief. Okay. If that's

1 involvement with moonshine, then fine. Again, I  
2 didn't drink it because I don't drink, but they  
3 wanted me to get it for them.

4 Q Were you asked by your superior officers  
5 to resign from --

6 A They offered me \$10,000 if I turned in  
7 my resignation.

8 Q Did you understand that you were going  
9 to be disciplined if you did not resign?

10 A They were going to try to. My attorney  
11 said, you know, he was going to take it public and  
12 make a big deal out of it. I didn't particularly  
13 want to go through that either.

14 Q So you resigned instead of having to go  
15 through that?

16 A Yeah, give me money and I am out of  
17 here.

18 Q The city gave you \$10,000?

19 A Yes.

20 Q Some type of severance package?

21 A Uh-huh.

22 Q Did you sign any type of agreement with  
23 the city as part of receiving that severance package?

24 A I think so, and they give me a letter of

1 recommendation and all that stuff that was part of  
2 the package.

3 Q Do you happen to have that?

4 A No, I don't. I don't have the letter.

5 Q Not the letter of recommendation, the  
6 agreement that you signed with the city.

7 A No. No.

8 Q Do you have any documents related to  
9 your employment with the City of Oakwood,  
10 particularly dealing with your resignation or any  
11 other discipline you received from the city that I  
12 haven't already handed you?

13 A No, I didn't have anything until this  
14 discovery stuff came up.

15 Q So you don't maintain copies of any  
16 records?

17 A No. Been through too many places.  
18 That's 40 years ago, you know.

19 Q After you resigned from the City of  
20 Oakwood, where was your next job at?

21 A Very next job?

22 Q If you remember.

23 A IML.

24 Q What does IML stand for?

1           A       It was Inter-Mountain Mobile Transport.  
2       They're long gone, but it was another freight  
3       company. I went over the road after that,  
4       over-the-road driver.

5           Q       After resigning from the City of Oakwood  
6       in 1976, you went to work -- you went back to work in  
7       the trucking industry?

8           A       Uh-huh, yes.

9           Q       And did you work in that industry until  
10      your retirement?

11          A       Yeah. No, that was it. Just the  
12      transportation industry.

13          Q       So you never went back to work for law  
14      enforcement?

15          A       No.

16          Q       Or EMT?

17          A       No.

18          Q       Or fire service?

19          A       No.

20          Q       As part of your resignation from the  
21      City of Oakwood, did anything happen to the  
22      certification you had received?

23          A       I don't know. I'm not sure what you are  
24      asking.



1           Q       Fair enough. As part of your  
2       resignation or this agreement that you entered into  
3       with the city, were you required to relinquish your  
4       certification?

5                   MR. PETTEY:     I will note an objection  
6       as to relevance. You can go ahead and answer.

7           A       I don't recall having to give anything  
8       back like that.

9           Q       Is it your understanding that you could  
10      have gone to work for another law enforcement agency?

11          A       Yes, I had a letter of recommendation.  
12      I think that would have probably helped me get in the  
13      door. But, you know, I was starting to feel bad, you  
14      know. I couldn't tell if it was all physical or just  
15      the problems with my wife. So truck driving is  
16      demanding, but in a different way. Law enforcement  
17      is demanding.

18          Q       If you recall, who signed that letter of  
19      recommendation?

20          A       Captain Weaver and Chief Kelly.

21          Q       After leaving the City of Oakwood, did  
22      you apply for any job in law enforcement?

23          A       No, I was done with that.

24          Q       Did you apply for any other job at any

1 time dealing with EMT or fire services?

2 A No.

3 Q Mr. Six, I forgot to ask you, what is  
4 your date of birth?

5 A 12-10-47.

6 Q During your time in the trucking  
7 industry, I believe you indicated you were a member  
8 of the teamsters union?

9 A Uh-huh.

10 Q Yes?

11 A Yes.

12 Q Did you go back to becoming a member of  
13 the teamsters union when you reentered the trucking  
14 industry in 1976?

15 A Yes.

16 Q As a member of the teamsters union, were  
17 you subject to collective bargaining agreements?

18 A Yes.

19 Q As you've described it, and as I  
20 understand it, the teamsters union would send you to  
21 different trucking businesses to work at?

22 A Uh-huh.

23 Q Approximately how many different  
24 businesses were you employed by from this 1976 time

1 frame until the date of your retirement?

2 A I would have to estimate about six, but  
3 some of them were just one and two days, you know,  
4 depending on -- it used to be you'd go to the union  
5 hall, sign a board, companies would call in that  
6 needed an extra, and they would go down the board,  
7 you would go here, you go here. Some of them were  
8 just one or two days.

9 Q Were there any particular companies that  
10 you worked for for an extended period of time?

11 A Quick, I worked for them -- I went to  
12 work for them in 1980 and worked for them until 1986.

13 Q What were the circumstances of you  
14 leaving Quick?

15 A They went out of business.

16 Q Did you ever receive discipline while  
17 working for Quick?

18 A No.

19 Q Were you ever terminated from any of the  
20 trucking companies?

21 A No, not terminated. Didn't get called  
22 to work again at a particular company, but not a  
23 termination letter per se, not that I can remember.

24 Q Were you ever suspended by any of the

1 trucking companies?

2 A No, no. Spent some time on picket lines  
3 and so forth.

4 Q What was the date of your retirement?

5 A It would have been 1986 from Quick. I  
6 was injured on the job and went on workers' comp at  
7 that time. Actually I was injured before they went  
8 out of business.

9 Q That was going to be my next question.

10 A I thought I better explain that. I went  
11 back and I was working what they called light duty  
12 when they went out of business. Then after that, I  
13 couldn't get back into a trucking company because I  
14 had a back injury and you have to have a Class A back  
15 to get a DOT physical, and I couldn't pass the  
16 physical.

17 Q Was that back injury, is that the reason  
18 that you were receiving workers' comp and were placed  
19 on light duty?

20 A Right.

21 Q What did you do to your back?

22 A Herniated some discs.

23 Q Lifting boxes?

24 A Trying to open a trailer door actually.

1 It was stuck, and I gave it a big pull and collapsed  
2 right there on the dock.

3 Q Did you receive random drug testing  
4 while employed with these trucking companies?

5 A They didn't used to do that that I can  
6 remember. It's possible, but I don't think there was  
7 much of that done back then, as I can recall.

8 Q Did you ever fail a drug test with any  
9 of those companies?

10 A No.

11 Q You previously testified that you were  
12 subject to a collective bargaining agreement with the  
13 union. Did the union ever have to grieve a potential  
14 discipline against you? Do you understand what I  
15 mean by grieve?

16 A Did I ever file a grievance?

17 Q Right.

18 MR. PETTEY: Note an objection as to  
19 relevance, but you can go ahead and answer.

20 A I don't remember if I filed a grievance.  
21 I think we filed some collectively. I don't think I  
22 filed any individual grievance.

23 Q The grievances you filed collectively,  
24 were those related to work conditions?

1                   A       Yes.

2                   Q       So sitting here today, you can't  
3 remember fighting a grievance over proposed  
4 discipline against you?

5                   A       Huh-uh.

6                   Q       No?

7                   A       No.

8                   Q       So after Quick goes out of business in  
9 approximately 1986, you indicated that you were not  
10 able to pass a physical to go back to the trucking  
11 industry?

12                  A       That's correct.

13                  Q       How many attempts at passing a physical  
14 did you make?

15                  A       One or two. Seemed kind of pointless  
16 because I knew I wasn't going to pass after that.

17                  Q       The back injury wasn't getting better?

18                  A       I could walk again, but I couldn't bend  
19 over or touch my toes. Couldn't lift anything, you  
20 know. I was restricted to five pounds. You're not  
21 going to do much when you have a five-pound  
22 limitation.

23                  Q       Was that part of the light-duty  
24 assignment --

1 A Yeah.

2 Q -- the lifting restriction?

3 A I just worked weekends. You know, I  
4 took -- all I did was take a load to Chicago and drop  
5 it and pick up one and come back. That was it. That  
6 was tough because I had a lot of trouble sitting in  
7 the truck.

8 Q For that period of time?

9 A Yeah.

10 Q Was all that employment based out of  
11 southeastern Ohio?

12 A Dayton.

13 Q Dayton?

14 A Uh-huh. They had terminals in Dayton,  
15 Cincinnati and Columbus. Dayton was my hometown, but  
16 I did run out of the other terminals as well.

17 Q Were you living here during that period  
18 of time?

19 A The address I gave you on Gearhart Road  
20 in Troy, I was living there. The terminal was in  
21 Vandalia, and Troy and Vandalia is not that far.

22 Q At some point during your employment in  
23 the trucking industry, did you move to Meigs County?

24 A Then I had a long drive to get back and

1       forth to work.

2               Q       So you had to drive to Dayton?

3               A       To pick up the truck. So I only got  
4 home once ever couple weeks.

5               Q       Why did you move to Meigs County?

6               A       My wife inherited the farm and nobody  
7 was living there, so my mother-in-law wanted us to  
8 move down there.

9               Q       So your wife inherited the farm you  
10 currently live on?

11              A       Yes.

12              Q       Since 1986 have you held any employment?

13              A       No. My wife had to carry the load.

14              Q       Have you received any type of  
15 compensation or benefits following your retirement to  
16 this day?

17              A       I get social security retirement.

18              Q       Did you begin receiving that in 1986?

19              A       No, no. When I turned 62.

20              Q       Did you receive any type of compensation  
21 or benefits between 1986 and the time you turned 62?

22              A       No.

23              Q       Have you ever --

24              A       Workers' comp, I did get workers' comp.



1 I can't remember the year actually.

2 Q How long did you receive workers' comp?

3 A It was a lump sum payout.

4 Q In approximately 1986?

5 A I believe it was '86.

6 Q It was related to your injury --

7 A Yes.

8 Q -- at the time?

9 A Uh-huh.

10 Q Did you receive unemployment after Quick  
11 went out of business?

12 A No, I don't think I got unemployment  
13 because it wasn't over work.

14 Q Where is your wife currently employed?

15 A She's not.

16 Q She's not?

17 A No.

18 Q Is she retired?

19 A No. She lost her job last July.

20 Q Who was she working for?

21 A ED MAP in Nelsonville. She was a  
22 supervisor.

23 Q They do telemarketing-type activities?

24 A Uh-huh. Sell college textbooks is what

1       they do.

2               Q       Do they sell it local?

3               A       All over, everywhere.

4               Q       Hocking?

5               A       They have a list of universities that  
6       they deal with. I couldn't tell you all the  
7       universities.

8               Q       Do you know why she lost her job?

9               A       Yeah. She had, I guess you would call  
10      it, an emotional outburst, I think you would call it.

11              Q       She was terminated over the outburst?

12              A       Uh-huh.

13              Q       How long had she been unemployed by the  
14      company?

15              A       Seven or eight years, something like  
16      that.

17              Q       Do you know where she worked directly  
18      prior to that?

19              A       World's Best Bagel. She owned it here  
20      in Athens.

21              Q       How many years did she work there?

22              A       From '96 until 2003, I think. About  
23      seven years, six or seven years.

24              Q       Was she the owner during that entire

1 time?

2 A No, she started out as an employee.

3 Q How did she become an owner?

4 A The owner was interested in selling.

5 She started working there, and she wound up being the

6 manager. Then the owner was interested in buying

7 another business, and so they made an agreement and

8 she bought it on what you would call land contract.

9 She paid it off in five years.

10 Q Where was the World's Best Bagel?

11 A It was 31 North Court Street.

12 Q What happened in 2003? Did she sell the  
13 business?

14 A Yes, she sold it.

15 Q Do you know approximately how much she  
16 sold it for?

17 A \$65,000, I think.

18 Q Do you know what she bought it for?

19 A 60. She paid a thousand a month for  
20 five years to pay it off.

21 Q The farm you live at, is it a working  
22 farm?

23 A No, no. It's just -- it's our house is  
24 there. We had it logged, and we've got oil wells and

1 stuff like that. We don't any livestock other than a  
2 flock of chickens and our dogs.

3 Q So you don't grow anything on the farm?

4 A No.

5 Q Or sell anything off of the farm?

6 A Dogs. Haven't in the last good number  
7 of years. It's a registered kennel. We have  
8 registered dogs. We used to sell puppies, but the  
9 last ones were four years ago.

10 Q These oil wells that you have, do you  
11 have leases for them? How does that work?

12 A We get a percentage of what they  
13 produce. It's the oil company put them in. It's oil  
14 and natural gas. We get a percentage. For example,  
15 oil today is \$97 a barrel. They pick up between 80  
16 and hundred barrels. Oil pumps about one barrel a  
17 day. We get a percentage of the revenue of the oil  
18 and the natural gas.

19 Q So the property produces or the well  
20 produces one barrel a day and it's currently selling  
21 for \$97 a barrel?

22 A Uh-huh.

23 Q What percentage would you receive?

24 A We get an eighth.

1 Q An eighth?

2 A Yeah.

3 Q Did you receive an initial lump sum when  
4 you leased the wells or sold the wells to the oil  
5 companies?

6 A You know, I think there was, but I can't  
7 remember the amount.

8 Q How long ago was it that you sold to the  
9 oil companies?

10 A It's been about three years since they  
11 put the -- since the well started producing. It took  
12 a while to get it drilled in and stuff. I think  
13 there was a sign -- some kind of a signing bonus, but  
14 I can't remember now. That was -- my wife would have  
15 got that money. She might have shared it with the  
16 family. I couldn't tell you.

17 Q Does her family still own the farm?

18 A No, she owns the farm.

19 Q She received it through the inheritance?

20 A Uh-huh.

21 Q How many acres is it?

22 A Ninety-six.

23 Q Are all 96 acres in Meigs County?

24 A Uh-huh.

1 Q Have you ever served in the military?

2 A No.

3 Q Have you ever been arrested before, not  
4 pertaining to the August 5th, 2009 incident?

5 MR. PETTEY: I'll object just to  
6 relevance, but you can go ahead and answer.

7 A Traffic.

8 Q So minor traffic infractions?

9 A Yeah.

10 Q Speeding tickets?

11 A Yeah, but not in the last 20 years. I  
12 had a speeding ticket last May. That was in  
13 Indianapolis. I was on my way to Chicago. I ran  
14 with a guy, we wanted to get there before the  
15 Indianapolis 500 traffic.

16 Q I understand. Other than traffic  
17 infractions, have you ever been arrested and charged  
18 with a crime --

19 A No.

20 Q -- other than the August 2009 incident?

21 A No, no.

22 Q Were you arrested in 1977 and charged  
23 with aggravated trafficking?

24 MR. PETTEY: Again, note an objection

1 as to relevance, but you can go ahead and answer.

2 A I think so.

3 Q Did you later plead guilty to carrying a  
4 concealed weapon?

5 A Yeah.

6 Q Are there any other -- any other times  
7 you were arrested and charged with a crime?

8 A No. I'm embarrassed to say that now  
9 'cause I forgot about that.

10 Q That helps refresh your recollection?

11 A Yeah. I don't remember any others, but  
12 if you have a refresher, go ahead. I don't remember  
13 any others.

14 Q And that was in Montgomery County?

15 A Yep.

16 Q What was the nature of the charge or  
17 what were you arrested for?

18 A It was a traffic stop.

19 MR. PETTEY: I'll note an ongoing  
20 objection to this line of questioning.

21 Q So noted.

22 A It was a result of a traffic stop. That  
23 was right after I got divorced and had given up my  
24 job. I was paying on my van, and I took this guy's

1 car in trade on my van and we hadn't finalized it. I  
2 was driving his car, he had my van. There was a  
3 warrant for him. So here I come driving down the  
4 road and they run the license plate and there's this  
5 warrant. So they pull me over thinking I was him.

6 They searched the car, and it was dirty,  
7 which was -- I should have looked. But I was  
8 carrying a .25 automatic in my pocket, which I had  
9 been in the habit of doing since I had been on the  
10 police department. Just never stopped carrying it.

11 Q And you were charged with aggravated  
12 trafficking?

13 A Yes.

14 Q Were there any other weapons in the  
15 vehicle?

16 A No, not that I can recall.

17 Q Was there any other contraband in the  
18 vehicle?

19 A No, just what we found in the trunk.

20 Q What was in the trunk?

21 A Whatever I was charged with. It's been  
22 a long time.

23 Q Was it marijuana?

24 A No, I don't think it was marijuana. I'm



1 not sure. I really can't remember. It must have  
2 been pills or something.

3 Q And the pills were seized?

4 A Oh, yeah, they took the car and  
5 everything.

6 Q Was there anybody else in the vehicle  
7 with you?

8 A No, just me.

9 Q What sentence did you receive after  
10 pleading down?

11 A Got probation.

12 Q How long?

13 A I think it was nine months. Spent nine  
14 months on probation.

15 Q Did you serve any time in the Montgomery  
16 County Jail?

17 A Just initially that's where they took  
18 me, yeah.

19 Q But your sentence didn't -- you didn't  
20 receive any jail time as part of your sentence?

21 A No.

22 Q This was your first conviction?

23 A It was my one and only, yeah.

24 Q Have you been arrested and charged with

1 a crime since 2009 not pertaining to the August  
2 incident?

3 A No.

4 Q Mr. Six, I want to go back and ask you,  
5 we talked about your employment a little bit, and I'm  
6 looking at your letter of resignation, which is  
7 marked Exhibit A. At the top of the exhibit there's  
8 letterhead indicating Robert B. Six --

9 A Doing business as.

10 Q -- DBA Arsenal Gun Shop.

11 A Uh-huh, I owned two gun shops.

12 MR. PETTEY: I will note an objection  
13 to this line of questioning, but you can go ahead and  
14 answer.

15 A Yeah, I owned two gun shops at the time.  
16 This is Xenia, then I had one on North Main Street in  
17 Dayton.

18 Q You were employed at these two gun  
19 shops?

20 A I owned them.

21 Q Did you have employees working for you?

22 A Yeah.

23 Q Did you receive income from owning the  
24 gun shops?

1           A       That was the idea. It didn't work out  
2       too well, but it was a for-profit adventure.

3           Q       You realized both gains and losses?

4           A       You got it, yeah. It was a partnership.

5           Q       Who was your partner?

6           A       Maddox was his name.

7           Q       What was his first name?

8           A       Bob.

9           Q       You owned both gun shops with Bob  
10       Maddox?

11          A       No, this one was just me. This was in  
12       my home. This is my address and telephone it went  
13       through. In 2003, that was a partnership.

14          Q       What were the time frames of you owning  
15       these two gun shops?

16          A       Same time I was on the Oakwood Police  
17       Department.

18          Q       In the 1970's?

19          A       Uh-huh.

20          Q       Did you sell both gun shops?

21          A       Let's see, did we sell it or just close  
22       it up? I think the one on Main Street we just folded  
23       it up and took a loss.

24          Q       Approximately what year?

1 A '74, '75.

2 Q In the 1970's?

3 A Uh-huh.

4 Q Did you sell the Xenia gun shop?

5 A No, that was my home. Well, I sold the  
6 house, yes, but the license and so forth went with  
7 me. I moved it to Sharts Road in Franklin.

8 Q You sold guns out of your house, you did  
9 business out of your house; is that accurate?

10 A Well, I was licensed to do that, but  
11 mostly I did it out of the retail store, you know. I  
12 could have done it out of my house as a retail  
13 outlet.

14 Q When did that cease operations?

15 A Which one we talking about here?

16 Q Xenia.

17 A '76, I think. Probably the same, the  
18 same year as I resigned there. That was a bad year.  
19 I got divorced. It was downhill.

20 Q You moved, I understand?

21 A Sharts Road in Franklin, yeah.

22 Q Did you continue doing business as  
23 Arsenal Gun Shop?

24 A Yes. I kept my FFL, yeah.

1                   Q       How long did you continue to do business  
2       as Arsenal Gun Shop out of that address?

3                   A       To tell you the truth, I think it was  
4       less than a year.

5                   Q       Did you own any gun shops after that  
6       time?

7                   A       No.

8                   Q       Did you continue to sell guns after that  
9       time?

10                  A       No, I gave up my license about that time  
11       too.

12                  Q       Is that a federal license you have to  
13       hold to sell guns?

14                  A       Yes.

15                  Q       Why did you give up your federal gun  
16       license?

17                  A       I sold my house, and there was just too  
18       much going on to keep up with.

19                  Q       Did the criminal charges that were filed  
20       against you in Montgomery County in 1977 have any  
21       bearing on you giving up your federal gun license?

22                  A       Yeah, I gave that up before the  
23       conviction, before the probation, all that came up.

24                  Q       Was it part of your plea deal?

1           A       No, I had already given up my license  
2 before that.

3           Q       After being charged but before entering  
4 into the plea deal?

5           A       No, I give up my license before -- you  
6 know, I can't remember for sure, but I think I had  
7 already given it up. I was pretty much on a downhill  
8 slide.

9           Q       So before you were arrested, you gave up  
10 your license?

11          A       No, I think I had already given that up  
12 because at the time I was arrested, I was living in  
13 an apartment in West Carrollton. I remember that  
14 because I was on my way there when I got pulled over.  
15 I never had a license in my apartment. So I had  
16 already given my license up.

17          Q       What is the name, the specific name of  
18 the license that you held at the time?

19          A       01.

20          Q       It's called an 01?

21          A       Dealer.

22          Q       Federal dealer's license?

23          A       Uh-huh.

24          Q       Federal firearm dealer?

1           A       With a Class 3 taxpayer. 01 federal  
2       firearms dealer license and Class 3 taxpayer.

3           Q       Have you held that license again?

4           A       No.

5           Q       Have you held any type of firearms  
6       dealer license since that time?

7           A       I hold an 03, which is a firearms  
8       collector.

9           Q       So the 01 is a federal firearms dealer's  
10      license, and the 03 is a federal firearms collector's  
11      license?

12          A       Yes.

13          Q       Does the 03 allow you to sell guns?

14          A       It allows me to buy, sell, and trade but  
15      not for profit.

16          Q       What does that mean "not for profit"?

17          A       You can only buy, sell, and trade to  
18      enhance your collection, build your collection.

19                 Look at it from the standpoint that if  
20      you buy a gun for \$100 and sell is for \$200, the \$200  
21      has to go for another gun that goes into your  
22      collection. There's no profit, per se.

23                 The way it works is at the point and  
24      time when you retire and you sell out your

1 collection, there may be a capital gain to pay on  
2 what you take in for your collection. It almost  
3 works like a deferred account, an I.R.A. or  
4 retirement account, something like that. The I.R.S.  
5 set it up. Of course now it's under justice.

6 Q Now, are you required to maintain  
7 business documents related to this licensure?

8 A Oh, yeah.

9 Q What documents do you maintain?

10 A What they call -- what the ATF calls a  
11 big book. It's a dealer record book of what you buy,  
12 who you bought it from and if you dispose of it, who  
13 you dispose of it to.

14 Q Is that the same as a federal firearms  
15 dealer's logbook?

16 A Basically it is.

17 Q There's no separate logbook --

18 A It has --

19 Q -- or is there?

20 A This could be a logbook if you made it  
21 out and kept that information I just told you  
22 (indicating).

23 But everybody buys a record book that  
24 has the categories on it, or you can get a DVD and do



1 it on your computer, keep it on your computer if you  
2 want.

3 Q So the laws or regulations as you  
4 understand them only requires information be held.  
5 It doesn't have to be in a particular --

6 A They don't issue a book. You're  
7 responsible for buying the book. They give you the  
8 format, what the book is supposed to look like, but  
9 they don't give you the book. You are required to  
10 buy your own book.

11 MR. CONOMY: If I may clarify for the  
12 record. When you said "this could be a logbook," you  
13 were referring to the yellow legal pad in front of  
14 you?

15 THE WITNESS: Yeah. If I made  
16 columns here, Column 1 was the date, 2 was who I  
17 bought it from, 3 was who I sold it to, as long as  
18 it's a bound book.

19 By Mr. Bernhart:

20 Q So as long as it's a bound book and  
21 meets requirements --

22 A It has these categories: Who you bought  
23 it from, who you sold it to --

24 Q As part of this --

1                   A       -- and when.

2                   Q       Okay. As part of this lawsuit, you've  
3       produced a number of dealer logs to me. Are those  
4       the same logs that we're talking about?

5                   A       Yes.

6                   Q       We'll get to some of those later. I'm  
7       going to have some questions about those later. You  
8       referred to it as a big book?

9                   A       Uh-huh.

10                  Q       Does any governmental agency audit those  
11       books?

12                  A       Uh-huh.

13                  Q       Who is that?

14                  A       Alcohol, Tobacco and Firearms.

15                  Q       ATF?

16                  A       Uh-huh.

17                  Q       Do they have any type of regimen or  
18       schedule for auditing the books?

19                  A       Generally with 03's, they audit once a  
20       year. You may be aware that if you hold a federal  
21       firearms license, it's an open-door policy. They can  
22       show up any time.

23                  Q       Twice a year if they want to?

24                  A       In theory, they can come every day.

1 Normally they come once a year, and they can look at  
2 anything they want. Like I said, they can walk in  
3 your house and look at everything, look at all your  
4 guns, look at your records, match your guns up with  
5 your records.

6 Q Do the same standards apply to the 01  
7 federal firearms dealer's license?

8 A Pretty much. They are subject -- I  
9 don't know if they can go in. I think they might go  
10 a little more often. You know, it's been a while  
11 since I held an 01.

12 Q Had you ever had your books audited on  
13 your 01 license?

14 A Oh, yeah.

15 Q Did you ever encounter any problem with  
16 the auditing?

17 A No.

18 Q Were any guns ever seized from you by  
19 ATF --

20 A No.

21 Q -- on your 01 license?

22 A No.

23 Q Did your conviction for carrying a  
24 concealed weapon in 1977 prohibit you from holding an

1 01 license?

2 A I didn't try to -- I don't know if it  
3 would have or not. I think not because I applied and  
4 got an 03, and the same standards apply to 01 and 03.  
5 If you can get one kind, you can get another.

6 MR. PETTEY: Note an objection to the  
7 question. Calling for a legal conclusion.

8 Q So noted.

9 Your understanding is that they have the  
10 same eligibility requirements?

11 A Yeah. I never applied for an 01 after I  
12 gave my 01 up. I only applied for an 03 and got  
13 that.

14 Q Is there an 02?

15 A Yeah, yeah, that's a manufacturer.

16 Q Have you ever held an 02?

17 A No.

18 Q Have you ever held anything besides the  
19 01 that you've already talked about and the 03 you  
20 currently hold?

21 A No. Just the Class 3 taxpayer.

22 Q I'm assuming that you still hold the 03;  
23 is that accurate.

24 A Yeah.

1           Q       Now, you applied to have your conviction  
2       sealed in the Montgomery County court in 1986; is  
3       that accurate?

4                   MR. PETTEY:       Objection, continuing  
5       objection about the prior conviction. You can go  
6       ahead and answer.

7           A       I don't remember the year.

8           Q       Did you ever apply to have the record  
9       sealed?

10          A       Uh-huh, I just don't remember the year.

11          Q       Why did you apply to have the record  
12       sealed?

13          A       Who wants that hanging around your neck?  
14       If you said it was '86, is that what you just told  
15       me?

16          Q       I'm asking you if you recall.

17          A       I don't recall what year it was. But,  
18       see, in order to get a DOT, you can't have a felony  
19       conviction on your record or any kind of conviction  
20       like that.

21          Q       A DOT, what is that?

22          A       Department of transportation  
23       certification to drive a freight truck. It about had  
24       to been a lot earlier than that when this record was

1 sealed or I wouldn't have been working.

2 Q So you believe that the record was  
3 sealed closer to the conviction in 1977?

4 A Yeah.

5 Q Prior to working in the trucking  
6 industry?

7 A Yeah.

8 Q Did you apply to have it sealed so that  
9 you could obtain the DOT to work in the trucking  
10 industry?

11 A Yeah.

12 Q Are there any other sealed criminal  
13 records that we haven't talked about today?

14 A No.

15 Q Mr. Six, have you been involved in a  
16 civil lawsuit before?

17 A No.

18 Q Do you understand the difference between  
19 criminal litigation and civil lawsuits?

20 A Uh-huh.

21 Q You understand this is a civil  
22 lawsuit --

23 A Right.

24 Q -- that you are pursuing?

1                   Have you ever had any other court  
2       appearances or have you ever testified in court  
3       before?

4                   A       Well, I was a police officer, so I was  
5       in court a lot.

6                   Q       Other than your employment as a police  
7       officer, have you ever testified in court?

8                   A       No.

9                   Q       Have you ever testified in any other  
10      type of legal proceeding? You've already indicated  
11      you never had your deposition taken before. You've  
12      never testified in court. Other than related to your  
13      employment with Oak Hill, have you ever testified  
14      under oath in any other type of proceeding?

15                  A       No.

16                  Q       Were you called to testify in the Meigs  
17      County court related to the drug charge, the drug  
18      possession charge?

19                  A       I was called to court often, but I don't  
20      remember being on the stand. The judge asked some  
21      questions, you know, while I was sitting, but I don't  
22      think there was any testifying going on. It never  
23      went to trial, you know.

24                  Q       Have you ever been involved in any

1 other -- any other lawsuits we haven't talked about?

2 A No.

3 Q Have you owned any businesses other than  
4 what we've already talked about?

5 A No.

6 Q I want to talk about the August 5, 2009  
7 incident.

8 On August 5, 2009, did you have or prior  
9 to that date, had you ordered a package to be  
10 delivered through the U.S. Post Office to your  
11 residence?

12 MR. PETTEY: Note an objection as to  
13 relevance. You can go ahead and answer.

14 A Had I ever ordered a package at all for  
15 the post office to bring?

16 Q No. Around August 5, 2009, had you  
17 ordered a package to be delivered by the U.S. Post  
18 Office to be delivered on or about August 5, 2009?

19 A No.

20 Q You did receive a package from the U.S.  
21 Post Office on that date; is that correct?

22 A Yes.

23 Q And you signed for receiving that  
24 package?



1           A       I think so.

2           Q       Rather than make you think so, why don't  
3       I hand you an exhibit. They are not stapled. I ask  
4       that it be marked as Exhibit B.

5                       - - -

6                       Thereupon, Defendant's Exhibit B was  
7                       marked for purposes of identification.

8                       - - -

9       By Mr. Bernhart:

10          Q       Mr. Six, take a moment and review what  
11       I've handed you and has been marked as Exhibit B.

12          A       That's obviously my signature on this  
13       one.

14          Q       On the second page of Exhibit B?

15          A       Uh-huh. I don't know what the other one  
16       is.

17          Q       Sure. Have you had a chance to review  
18       both pages of Exhibit B?

19          A       Yeah.

20          Q       Does this help refresh your recollection  
21       as to whether you signed for a document or signed for  
22       a package on August 5, 2009?

23          A       Yeah.

24          Q       You, in fact, did sign for a package on

1       that date?

2               A       Uh-huh. Well, it doesn't have a date on  
3       it.

4               Q       Did you or did you not receive a  
5       package?

6               A       Yeah. I'll never forget that day. I'm  
7       looking at the paperwork here. I signed for  
8       something on that day.

9               Q       And you took that package into your  
10      house?

11              A       He helped me bring it in.

12              Q       It's your testimony you did not order a  
13      package to be delivered on or about that date?

14              A       I didn't order one. I wasn't expecting  
15      anything, no.

16              Q       Did you wonder why the package was then  
17      delivered to your house?

18              A       Yes.

19              Q       Why did you accept the package?

20              A       Well, my wife told me before she went to  
21      work that day that she had some soap coming. So I  
22      was expecting something to be delivered. She didn't  
23      say who was bringing it or anything, you know. There  
24      was something coming, but she didn't say if it was

1 UPS.

2 Q What did the packages arrive in?

3 A A van.

4 Q Were they boxes?

5 A Yeah, there was a box.

6 Q It was one box?

7 A There was two boxes.

8 Q Approximately what size were the boxes?

9 A They were like this (indicating). Three  
10 feet. They were big and heavy.

11 Q Several feet by several feet?

12 A Yeah.

13 Q And heavy?

14 A Yeah.

15 Q You opened at least one of the boxes?

16 A Yeah.

17 Q What was inside the boxes?

18 A All these little Styrofoam things  
19 started flying out. I had -- I hate those things.  
20 So I just closed the box back up.

21 Q The packing material?

22 A Yeah.

23 Q So you observed the packing material but  
24 nothing else inside the box?

1           A       I could see there was something inside  
2       the box, but I didn't -- I was getting ready to take  
3       a shower. I had been doing yard work that day. I  
4       was going to go take a shower, and right then I was  
5       down to my pants, you know, I was getting....

6           Q       Before we go further, just let the  
7       record reflect that Mr. Six has knocked on the table.  
8       Does that indicate a knock on your door?

9           A       The doorbell doesn't work. So they had  
10      to knock on the door.

11          Q       What time of day was it?

12          A       It was 4:00.

13          Q       4 p.m.?

14          A       Uh-huh. Because I was getting ready to  
15      go take a shower and right then a TV show came on and  
16      it was interesting, so I just stopped for a minute  
17      and I was watching that. All I had on was my pants.  
18      I was going to shower. So I know it was 4:00 because  
19      the show was just coming on.

20          Q       What TV show was it, do you remember?

21          A       The Untouchables. It was in reruns  
22      then, of course. I like that show.

23                    So I went and opened it up, and there's  
24      this guy with these packages, you know. I bring them

1 in and I saw that stuff and I thought, I'm going to  
2 take my shower and then I'm going to haul them  
3 outside to open them up, because the stuff was just  
4 flying, you know, the Styrofoam peanuts.

5 Q Was it a U.S. postal worker or someone  
6 you believed to be a U.S. postal worker delivering  
7 the items to you?

8 A Uh-huh.

9 Q He had his U.S. Postal --

10 A He had a shirt on.

11 Q You said he brought or helped you bring  
12 the boxes into the house?

13 A Uh-huh.

14 Q Did he stay inside the house while you  
15 opened them?

16 A No, no. He went on down the road.

17 Q What specifically did you observe inside  
18 the box other than the packaging material?

19 A Well, you could see the top of  
20 something, you know. It was a plastic top of like a  
21 bucket or something.

22 Q So you observed a plastic bucket?

23 A Yeah, I started -- I was looking for a  
24 packing list because the package itself was addressed

1 to our account. I was expecting soap. She gets soap  
2 all the time, but not that much. I mean, it was a  
3 huge amount of soap. So I kind of dug around a  
4 little bit for a packing list. Those things started  
5 flying out, and I wasn't going -- I didn't want them  
6 all over the living room.

7 Q Does the soap that she receive typically  
8 come in plastic containers?

9 A Yeah, but -- yeah, it comes in usually  
10 like two gallon, you know, bottles.

11 Q Did this appear to be a two-gallon  
12 bottle?

13 A No, it looked bigger. It was like a  
14 five-gallon top. I could see what was in there. I  
15 thought, well, something is messed up here. She  
16 never got that much soap before.

17 Q Did you open at least one of these  
18 five-gallon bucket tops?

19 A Nope, I didn't open it. I didn't want  
20 those Styrofoam things flying around the living room.  
21 So I closed it back up and went on -- I was going to  
22 go take my shower, like I said, then take them  
23 outside because I've got packages with foamy stuff in  
24 them before and they just fly around. You have to

1 take them outside to open them to keep from having a  
2 big mess in the house.

3 Q Mr. Six, look at Exhibit B that I have  
4 handed you. On the first page of Exhibit B, up in  
5 top right-hand corner there's what appears to be a  
6 sender's name. Do you see that?

7 A Yes.

8 Q What is that name?

9 A It looks like Roberts.

10 Q Did you know a Roberts?

11 A No.

12 Q When your wife had soap delivered, who  
13 did -- who would she have that delivered from?

14 A Usually a place called drugstore.com.

15 Q Did you ever sign for packages for your  
16 wife when she had soap delivered?

17 A Don't usually require a signature.

18 Q Are they usually sent by some other  
19 means besides the U.S. post office?

20 A Yes.

21 Q Who are they sent by?

22 A Usually UPS.

23 Q So was it uncommon to be receiving a  
24 package -- uncommon for you to be receiving a package

1 through the U.S. Postal Service that you had to sign  
2 for on this date?

3 A Yeah, I would say it was pretty unusual.

4 Q And you did not know the sender's name?

5 A No.

6 Q And you weren't expecting a package?

7 A Huh-uh.

8 Q But accepted it nonetheless?

9 A Yeah. You know, in hindsight I wish I  
10 hadn't, but I did. We were outside when he came up,  
11 we were outside on the deck and it was real bright  
12 sun. I couldn't really read it. I couldn't hardly  
13 see what I was signing for. And I asked him, I said,  
14 "What is this?" He said, "It's yours. Just sign for  
15 it." I said okay.

16 Q Was anybody else outside with you?

17 A No, just him.

18 Q Was anybody else at the house at the  
19 time?

20 A No.

21 Q Or on the property?

22 A No.

23 Q Your wife was at work at the time?

24 A Uh-huh.



1 Q Yes?

2 A Yes.

3 Q Were you able to go take that shower  
4 that you were intending to do?

5 A No, I didn't get to shower for a couple  
6 days.

7 Q Why don't you tell me what happened.  
8 You open the package, you're watching The  
9 Untouchables, you're intending to go take a shower,  
10 what intervenes?

11 A I heard somebody yell outside.

12 Q What did you hear?

13 A Just I heard a voice. I heard somebody  
14 yell something. I couldn't really tell, you know.  
15 Where I live, our neighbors, we're not inside of each  
16 other. It's not unusual for a neighbor to come over  
17 and either honk the horn or if they walk over,  
18 they'll holler or bang on the door.

19 So I heard somebody yell, and I thought,  
20 here we go, you know, I'm never going to get in the  
21 shower. And I said, "Just a minute," and I went, I  
22 was heading for the door and right then kabam, you  
23 know, got hit real hard. Tore out the doorjamb and  
24 everything.

1           Q       Was that the same door that you had  
2       received the package through?

3           A       Same door.

4           Q       Front door to the house?

5           A       It was on the deck side. It's on the  
6       side of the house. It's the main entryway, but it's  
7       not on the front of the house, it's on the side.

8           Q       It's the main door to the house?

9           A       Right.

10          Q       On the side?

11          A       Uh-huh. And it was kabam, you know, and  
12       I could see somebody because the door didn't open all  
13       the way. The doorjamb and stuff was still hanging  
14       on. And I could see somebody out there, and I said,  
15       "What did you do that for?" And then kabam, he hit  
16       it again and knocked it right into my hands, you  
17       know.

18                   All I see is this guy wearing this black  
19       mask and all this, and it really looked like a  
20       fireman. I knew the house wasn't on fire. I  
21       couldn't quite figure it out.

22                   So he came in the door and he threw down  
23       his battering ram, you know, and hit the table and  
24       broke the floor tile, and then I saw the gun. He

1        says, "Down on the floor. Down on the floor." I was  
2        down on the floor.

3                Q        Did you recognize the individual behind  
4        the mask?

5                A        I couldn't even see his face at that  
6        time. Now later I saw him without the mask.

7                Q        So you're down on the floor. What  
8        happened next?

9                A        Well, it's like here's the door and I'm  
10       lying with my head that way (indicating).

11               Q        So you're laying with your face away  
12       from the door?

13               A        Away from the door down on the floor,  
14       and somebody came over and all I had on was my pants.  
15       He grabbed me by the ponytail and by my belt and  
16       pounded me on the floor.

17               Q        Your face was down?

18               A        Yeah. It wouldn't have been so bad  
19       except my dining room is tile and my living room is  
20       carpet, and there's a metal strip that runs between  
21       the carpet and the tile. I was laying across that  
22       metal strip. So when he pounded me, it broke some  
23       cartilages here in my ribs. They were sore for a  
24       period of months. I had trouble sleeping. It was

1       hurting.

2               Q       At that time were you told you are under  
3       arrest?

4               A       No.

5               Q       You were just told to get down on the  
6       floor?

7               A       Yeah.

8               Q       Were you placed in handcuffs?

9               A       Not right off. They helped me up off  
10      the floor and sat me in a chair.

11              Q       You're saying "they" at this point.

12              A       There were a whole bunch of other people  
13      that came in too after that.

14              Q       Did those individuals have ski masks on  
15      as well?

16              A       No, no, they didn't.

17              Q       Did you recognize any of those  
18      individuals?

19              A       No, I didn't. I didn't know any of  
20      them.

21              Q       Approximately how many individuals had  
22      entered the room at this time?

23              A       Probably six or eight at that time.

24              Q       Are we talking just within a couple

1 minutes --

2 A Just --

3 Q -- couple seconds?

4 A Like, you know, they had been blown out  
5 of a cannon. All of a sudden the house was full of  
6 people.

7 Q Within less than a minute?

8 A Yeah, I would say so.

9 Q At any time do these individuals inside  
10 your house identify themselves as law enforcement  
11 officers?

12 A No, but it was pretty obvious. I could  
13 see the badges and uniforms.

14 Q So they had their badges out?

15 A Yes.

16 Q And that indicated they were --

17 A Yeah.

18 Q Their badges and uniforms --

19 A Yes.

20 Q -- indicated to you that there were law  
21 enforcement officers inside your house?

22 A Right.

23 Q At what point are you handcuffed?

24 A Well, somebody came up out of the

1 basement and said he had -- he said he could smell an  
2 ammonia smell. And I said, "That's my dog down there  
3 in the pen, she's pregnant." And then at that time  
4 somebody said, "Get him out of here." So then they  
5 put me in handcuffs and told me I was a detainee and  
6 took me outside and put me in the back of a patrol  
7 car.

8 Q So you are placed under arrest?

9 A No.

10 Q Put in handcuffs?

11 A No, no. Detainee was the word he used  
12 pending their investigation.

13 Q Did you understand that to mean you  
14 could leave --

15 A Well --

16 Q -- if you'd like?

17 A I suppose if I could have got out of the  
18 handcuffs and out of the back of the patrol car I  
19 might have left. I think they intended for me to  
20 stay there.

21 Q Approximately how long is this after the  
22 initial entrance into the house?

23 A Oh, 10, 15 minutes, something like that.

24 Q During the 10 or 15 minutes while you

1       were in the residence, were you not handcuffed?

2               A       Right. I was surprised when they put  
3       handcuffs on me.

4               Q       Were you asked to stay in a particular  
5       location?

6               A       Just I was sitting in my chair and they  
7       said, "You just sit there in your chair." So I sit  
8       there in my chair.

9               Q       So the officers asked you to sit. Where  
10      is the chair located at?

11              A       Well, it was right next to where I was  
12      laying on the floor. It was my easy chair. I still  
13      got the bad back to contend with, and I sit in that.  
14      It's a recliner. I can kind of --

15              Q       Is it in the corner of the room?

16              A       No, it's right in the middle.

17              Q       Right in the middle of the room?

18              A       Yeah. I know there's pictures in  
19      discovery if you look at them. It's the blue chair.

20              Q       Blue chair?

21              A       Uh-huh.

22              Q       Tell me what you observed during these  
23      10 or 15 minutes while you're sitting in the chair.

24              A       Everybody running around the house. It

1 was up and down the basement and up and down the  
2 hall, you know. They were busy.

3 Q Busy doing what?

4 A It just looked like they were running  
5 back and forth, you know. I would assume they were  
6 wanting to see if there were any other people in the  
7 house would be my suspicion.

8 Q What is the approximate size of your  
9 house, square footage?

10 A It's 30 by 40, two bedrooms.

11 Q Two bedrooms, 30 by 40?

12 A Yeah, the whole house is 30 feet by 40  
13 feet. It's a two bedroom house, ranch house with a  
14 basement.

15 Q Do you know the total square footage?

16 A 1,200.

17 Q It's your belief during these 15 or 10  
18 minutes the officers are trying to locate any other  
19 individuals inside the house?

20 A That would be the standard procedure,  
21 yes.

22 Q And you understood that from your  
23 background in law enforcement?

24 A Yeah.



1 Q But nobody else was there, correct?

2 A No.

3 Q What else did you observe?

4 A Well, then they took me outside and put  
5 me in a patrol car. What did I see after that? That  
6 was all that I saw in the few minutes that I was  
7 still in the house is them running around in the  
8 house looking.

9 Q For 10 to 15 minutes?

10 A Maybe that's too long. Maybe it was  
11 five or ten.

12 Q It doesn't --

13 A It was a blur to me. Actually, you  
14 know, I was still trying -- to tell you the truth, I  
15 thought maybe I was dreaming. If you've ever had a  
16 nightmare, some of them are pretty vivid. It didn't  
17 really seem like it was really happening.

18 Q Approximately how many officers did you  
19 see inside the house?

20 A Six or eight at that time.

21 Q Well, it doesn't seem to me it would  
22 take six to eight officers 10 to 15 minutes to search  
23 a 1,200 square foot house --

24 A Well --

1 Q -- for other occupants.

2 A No, it probably was less than that. But  
3 then they took me outside, and there were six or  
4 eight more of them outside too.

5 Q The six to eight more you saw outside,  
6 did you see them inside the residence?

7 A Yes, ultimately everybody was going in  
8 and out of the house.

9 Q Did you observe that while you were  
10 sitting in the chair?

11 A No, after I was in the patrol car.

12 Q So while you are sitting in the chair,  
13 you only see six to eight officers inside the house?

14 A Correct.

15 Q Then when you're taken outside, you see  
16 six or eight more officers standing out there?

17 A Yeah, at that time.

18 Q And while you're out there, outside, you  
19 observe those same six to eight officers go into the  
20 house?

21 A Yes. As well as four more that arrive  
22 after that.

23 Q While you are sitting in the chair, do  
24 you have any communication with any of the officers

1       inside?

2               A       Yeah, that's what I was telling you. I  
3       told them when they came up out of the basement and  
4       he said he smelled an ammonia smell, I said, "That's  
5       my dog down there. She's pregnant," because she was  
6       due to have puppies just any time.

7               Q       Other than that conversation, do you  
8       have any other conversations inside the house while  
9       you're sitting in the chair?

10              A       No.

11              Q       Did any officer explain to you why they  
12       were there?

13              A       No.

14              Q       While you're sitting in the chair, do  
15       you have any guns inside the house in plain view?

16              A       Disassembled. There was two  
17       disassembled in the living room that I had sent out  
18       and had Parkerized.

19              Q       What does that mean?

20              A       That's refinished. It's an exterior  
21       finish. Parkerizing is what they put on  
22       military-type weapons. It's rust resistant and  
23       damage proof and so on. I had sent these two guns  
24       out and had them Parkerized. They were on a hassock

1 about where I could reach them but in the same room.  
2 I was going to reassemble and hadn't done that yet.

3 Q Other than these disassembled guns in  
4 the living room, are there any guns inside the  
5 residence that are in plain view of those -- of  
6 anyone walking through?

7 A No.

8 Q So it's your contention all the guns are  
9 stored away and would need to have something opened  
10 to be able to see them?

11 A Yes.

12 Q Do any of the officers ask you about the  
13 disassembled guns in the living room?

14 A Well, the officer with the battering  
15 ram, the one that pounded me on the floor, he asked  
16 me if I had any guns on me, and I said no. Because  
17 he patted me down as well and still asked if I had  
18 any guns on me, and I said no, I didn't.

19 Then when he went over and found the  
20 ones, the disassembled guns, he came back over and he  
21 got right in my face like nose to nose and he said,  
22 "Why didn't you tell me those guns were here?" I  
23 said, "You asked me if I had any guns on me. That's  
24 what you asked me." He was really irate.

1           Q       So now we have identified a second  
2 conversation you had?

3           A       I had forgot about that one.

4           Q       Are there any other conversations that  
5 you had with the officers while you are still inside  
6 the house?

7           A       Let me think a little so I don't mess  
8 up. The one about the dog in the basement. That's  
9 all I can remember.

10          Q       You don't recognize any of the officers  
11 that are inside the house?

12          A       No, I didn't know any of them.

13          Q       Do you know who the Meigs County Sheriff  
14 was at the time of this?

15          A       Beegle. Him I knew. I didn't see him.

16          Q       Was he inside the house at the time  
17 you're sitting there?

18          A       No.

19          Q       And he wasn't part of the initial raid?

20          A       I saw him outside, but I couldn't really  
21 tell you if he was there initially or if he came  
22 later because there were some outside that didn't  
23 charge right into the house. To my recollection, the  
24 ones that were outside were all pretty much Meigs

1 County deputies.

2 Q Did you see any Meigs County deputies on  
3 the initial raid or -- were any of the six to eight  
4 individuals who were inside the house while you were  
5 sitting in there, were any of those Meigs County  
6 deputies?

7 A They could have been, but not all of  
8 them were in uniform. Some of them out of uniform  
9 could have been Meigs.

10 Q Was there anyone in uniform inside the  
11 house, the initial six to eight?

12 A The guy that had all the black stuff on,  
13 he had his uniform on underneath it.

14 Q Did you recognize the agency that he was  
15 from?

16 A No. Again, by the time I had been  
17 pounded on the floor, I was pinching myself literally  
18 thinking that, you know, this isn't real.

19 Q Did you observe the officers looking  
20 inside of drawers or cabinets --

21 A No.

22 Q -- when you were in there?

23 A I was outside by the time they did all  
24 that.

1           Q       What did the officers tell you about the  
2       disassembled gun on the floor other than asking you  
3       about it?

4           A       Well, it wasn't on the floor. It was on  
5       a hassock. There were two of them there that had  
6       come back. The only conversation we had about those  
7       two was with the officer, I just call him officer  
8       battering ram because I don't know who he was. He  
9       said, "Why didn't you tell me those guns were there?"  
10      I said, "That's not what you asked me." It wasn't.  
11      He asked me if I had any guns on me, which was pretty  
12      obvious I would think. All I had on was my pants.

13          Q       Did the officers ask you if there were  
14      any other guns inside the residence?

15          A       No.

16          Q       Were there any drugs or other contraband  
17      in plain view inside the residence at the time the  
18      officers were in there and you are sitting on the  
19      chair?

20          A       I don't think so.

21          Q       Did you later learn what was inside the  
22      package that was delivered to you that day?

23          A       Oh, yeah.

24          Q       What was inside the package?

1                   A       Marijuana.

2                   Q       How much marijuana?

3                   A       That, I really couldn't tell you. I was  
4 charged with possession of 1 to 5,000 grams. That's  
5 what they charged me with.

6                   Q       Do you know how many pounds of marijuana  
7 that is?

8                   A       Somewhere less than -- between two  
9 pounds and ten pounds, something like that.

10                  Q       Did you observe the officers looking  
11 inside the package while you were there, while you  
12 are inside the house?

13                  A       No.

14                  Q       At some point you are told that you're  
15 being detained and put into handcuffs --

16                  A       Yeah.

17                  Q       -- at the time?

18                           The first time you were placed in  
19 handcuffs is when you were being escorted out of the  
20 house?

21                  A       Yeah.

22                  Q       So the whole time you are in the house  
23 sitting on the chair, you're not in handcuffs?

24                  A       Well, briefly, you know. I mean, they



1 put me in handcuffs while I was -- I think I was  
2 still sitting. I might have been standing and then  
3 sat down for a little bit.

4 Then after we had -- after the dog  
5 conversation, you know, I can't remember if he asked  
6 me about the dog and handcuffed me or handcuffed me  
7 and then asked about the dog, but then they said,  
8 "Take him out of here." Somebody said, "Take him out  
9 of here."

10 Q Did the conversation about the  
11 disassembled guns in the living room, was that before  
12 or after the conversation about the dog in the  
13 basement?

14 A After. Because somebody came up out of  
15 the basement. The initial search they ran through  
16 all the rooms looking for other people, including the  
17 basement, and came up. By the time I had the  
18 conversation about the disassembled guns, that guy  
19 that asked me about that had taken off his black suit  
20 and his helmet and so on.

21 Q Did you recognize him after he took  
22 his --

23 A Never saw --

24 Q -- mask off?

1           A       -- him before then and never saw him  
2     after that.

3           Q       Is there anything else you can tell me  
4     that you specifically remember observing while you  
5     were still inside the residence other than what  
6     you've already told me today?

7           A       Before they took me out. I don't  
8     remember anything else that I saw before they took me  
9     out. I was standing when I had the handcuffs on and  
10    he asked me about the weapons on the hassock. I  
11    told -- we were nose to nose. He was a good bit  
12    shorter than me. So I know I was standing, or I  
13    wouldn't have been able to ascertain that.

14          Q       How tall are you, Mr. Six?

15          A       6 foot 3.

16          Q       I know you testified that you did not  
17    recognize the officers that were inside your house at  
18    the time. Did the six to eight individuals inside  
19    your house, did they all appear to be law enforcement  
20    officers? I know you testified that there were some  
21    badges that were shown and some were in uniform. I  
22    guess my question is: Was there anyone that you  
23    observed that did not appear to be law enforcement?

24          A       Well, the plainclothes detectives were

1 not in uniform. From their demeanor, their behavior,  
2 the way they conducted themselves when I went through  
3 the residence, I knew that they were.

4 Q You knew they were detectives?

5 A Uh-huh.

6 Q Do you know who they were?

7 A There's one right there (indicating).

8 Q Let the record reflect that Mr. Six has  
9 looked at the end of the table where Deputy Adam  
10 Smith is sitting.

11 A I didn't know who he was at the time,  
12 but we had some hearings in Meigs County.

13 Q You recognize Deputy Smith was somebody  
14 that was inside your house at the time?

15 A Yes. In fact, there's pictures of him  
16 in there in discovery. If you look at the pictures,  
17 he's holding some of my guns.

18 Q Did you observe any of the officers  
19 handling any of your guns while you were inside the  
20 residence?

21 A No.

22 Q Did you observe any of the officers  
23 handling any other contraband or property of yours  
24 while you were inside the residence?

1                   A       No.

2                   Q       It's your testimony that the same person  
3       that initially grabbed you upon entrance into the  
4       house, that was the same person that took you  
5       outside?

6                   A       No, I don't think he was the one that  
7       took me outside. There was more than one that  
8       escorted me out to the patrol car.

9                   Q       How many were there?

10                  A       Escorting me?

11                  Q       Yes.

12                  A       I think at least three.

13                  Q       So three officers?

14                  A       It's a pretty small house. There wasn't  
15       a lot of room. I think they were going outside  
16       anyway because there were so many of them there.

17                  Q       You don't know who it was that was  
18       telling you you were being detained?

19                  A       No, not initially. But ultimately when  
20       I saw Sheriff Beegle, I knew who he was. I knew who  
21       the sheriff was.

22                  Q       How did you know who the sheriff was?

23                  A       Well, from the election, you know, and  
24       so forth I recognized him. Plus he had his name

1 right there on his shirt.

2 Q Did you ever have any interaction with  
3 Sheriff Beegle prior to him being at your house that  
4 day?

5 A No, no. Just voted for him for sheriff.  
6 That was it.

7 Q Besides former Sheriff Beegle, did you  
8 recognize anybody else?

9 A No, I didn't know any of them.

10 Q Where were you taken to after you are  
11 let out of your house?

12 A I better correct that. Later on the DNR  
13 officers showed up, Woods and Shields. I knew Woods  
14 for a long time, and he introduced me to Shields. He  
15 was the new boy at the time.

16 Q When you say "later on," did you observe  
17 them arriving at the scene?

18 A No. See, I was passed out then. When I  
19 came to, they were there. I don't know when they  
20 showed up.

21 Q You did not observe them in your house  
22 while you were still inside there?

23 A Right. They weren't there for the  
24 initial part of the raid.

1                   Q       Did you observe them when you were  
2 brought out of the house?

3                   A       No, they weren't there.

4                   Q       Did you observe Robert Beegle being  
5 there when you were led out of the house?

6                   A       I don't think he was there yet. I don't  
7 think he was.

8                   Q       At this point you don't know anybody?

9                   A       I don't know anybody.

10                  Q       Either inside the house or outside the  
11 house?

12                  A       I'm still pinching myself trying to wake  
13 up.

14                  Q       What door are you led out of the house  
15 through?

16                  A       The side door. The front door goes into  
17 the dog pen. There's no place to go there. You have  
18 to go in an outside door.

19                  Q       Where are you taken to?

20                  A       The patrol car parked in the driveway.

21                  Q       The patrol car, was it labeled?

22                  A       Meigs County.

23                  Q       So it was a Meigs County Sheriff patrol  
24 car?

1 A Uh-huh.

2 Q What color was it?

3 A Black, black and gold, gold decorations.

4 Q These three individuals who led you out  
5 of the house, were they the same three that put you  
6 inside --

7 A Yeah.

8 Q -- the patrol car?

9 A Yeah. They marched me out and put me  
10 inside the car, yeah.

11 Q You don't know who these three  
12 individuals are?

13 A No, not to this day.

14 Q Can we eliminate Deputy Smith as being  
15 one of those individuals?

16 A Well, you know, I don't know. There was  
17 one behind me, you know. If I was to guess, I'm just  
18 guessing, I don't think he was. I think they were  
19 all uniforms that took me outside, but I wouldn't  
20 swear to that.

21 Q By your account at least 10 or 15  
22 minutes passed from the initial entry to the time you  
23 were place in the car?

24 A Yeah. That's about right, yeah.

1                   Q       Was anyone inside of the car, in the  
2       front seat?

3                   A       No.

4                   Q       Where were you placed?

5                   A       Backseat.

6                   Q       Handcuffs on?

7                   A       Yes.

8                   Q       You said all you had on at the time of  
9       the entrance was pants.

10                  A       And socks.

11                  Q       Pants and socks?

12                  A       Uh-huh.

13                  Q       Is that the same thing you were wearing  
14       when you were placed into the back of the patrol car?

15                  A       Yes.

16                  Q       No shirt?

17                  A       No shirt. They wouldn't let me put my  
18       moccasins on. I wanted to put my moccasins on. They  
19       shoved me, no, you just get on out of here. That was  
20       officer battering ram.

21                  Q       What was the distance that you walked  
22       from the entryway to the house to the patrol car?

23                  A       It's probably 75 feet, three stairs  
24       downhill to the driveway. Maybe not that far. I



1 would say less than 75 feet.

2 Q More than 50?

3 A Yeah.

4 Q More than 50 but less than 75?

5 A Yeah. Never really measured that.

6 Q Can you see the residence from the  
7 driveway?

8 A Oh, yeah.

9 Q Could you see the residence from the  
10 backseat of the patrol car sitting in the driveway?

11 A Yes.

12 Q Approximately how many other vehicles  
13 were in the driveway or parked near the driveway at  
14 the time you were led out of the house?

15 A It was a parking lot. I'm telling you,  
16 it was a parking lot. They were parked in the yard  
17 and in the grass and alongside the driveway. To  
18 answer your question in terms of numbers, there were  
19 probably six to eight vehicles there in addition to  
20 mine.

21 Q Were any of those vehicles marked or  
22 detailed as law enforcement agencies?

23 A Most of them actually.

24 Q Which law enforcement agencies were they

1 marked as?

2 A Meigs County and DNR. The dog warden,  
3 he was out there. DNR came later. After I came back  
4 to and sat up, all these individuals were parked  
5 there.

6 Q My question to you was: What vehicles  
7 did you observe between your transport from the house  
8 to the back of the Meigs County patrol car?

9 A There were a couple plain ones and some  
10 marked ones both at the time they took me out. Then  
11 there were a lot more of them after I regained  
12 consciousness.

13 Q So the DNR vehicle was not there?

14 A Not there yet.

15 Q Was the dog warden's vehicle there?

16 A He wasn't there yet.

17 Q So at this point is it only unmarked  
18 vehicles and Meigs County vehicles?

19 A I couldn't tell you if they were all --  
20 if all the marked ones were Meigs County, I couldn't  
21 tell you that at all, no.

22 Q Sitting here today, you don't recall  
23 seeing any other law enforcement agency vehicles  
24 sitting there?

1           A       Well, there were marked law enforcement  
2       agency vehicles there. I don't know if they were  
3       Meigs County or not. The one they put me in was  
4       Meigs County.

5           Q       How do you know that for sure?

6           A       It said so on the door.

7           Q       You saw it as you were being placed into  
8       it?

9           A       Yeah.

10          Q       Did you have any communications with the  
11       officers as you were being led out from the residence  
12       to the Meigs County patrol car?

13          A       Not that I can recall, no.

14          Q       Could you hear them talking?

15          A       No. The ones that were escorting me  
16       out, no. They were talking, but they weren't talking  
17       to me.

18          Q       What were they talking about?

19          A       I don't know. They were just voices.

20          Q       Could you hear any communications  
21       outside during that transport?

22          A       Not really. I mean, just, you know, you  
23       go here, you go there.

24          Q       While sitting in the back of the Meigs

1 County patrol car, could you hear people talking?

2 A Yeah.

3 Q Anyone in particular?

4 A Well, the sheriff, I remember Sheriff  
5 Beegle, but this was after I regained consciousness.  
6 I sat up in the car and he said, "Somebody get down  
7 there to that car. I don't want a dead detainee in  
8 my patrol car."

9 Q Who was he talking to?

10 A I don't know. One of the other  
11 deputies. Then someone came down and opened the  
12 door, and it was like a breath of fresh air because  
13 it was -- I was sweating so much I could slide around  
14 on the seat. It was just greasy wet. Even the  
15 handcuffs came off. I was so dehydrated, they just  
16 came right off.

17 Q So at some point the cuffs come off. So  
18 you're uncuffed in the back of the car?

19 A Yeah.

20 Q Sheriff Beegle sees you, asks that the  
21 doors be opened and the doors are opened?

22 A Yeah. Then I said --

23 Q Approximately how long was this after  
24 you had been placed into the vehicle?

1           A       It was a couple hours.

2           Q       A couple hours?

3           A       Yeah.

4           Q       Did you have any other conversations  
5 with anyone?

6           A       Yes.

7           Q       Did you have any conversations with  
8 anyone while you were in the car for that period of  
9 time?

10          A       Not until they opened the door.

11          Q       So for a couple hours you're back there,  
12 and you have no communications with officers?

13          A       No, I couldn't. I was handcuffed. I  
14 couldn't get -- I thought they're not going to just  
15 leave me here. My conversation was with myself.  
16 They're not just going to leave me in here. It was  
17 August.

18          Q       You indicated that you could see people,  
19 you could see the residence from the back of the  
20 patrol car. Could you see officers going in and out  
21 of the residence?

22          A       Yeah, they were just one continuous  
23 line. They were carrying my guns out, and they had  
24 three pickup trucks lined up along side the driveway,

1 and they were just walking them out, carrying all  
2 they could leading up to the pickup trucks, and they  
3 were wheeling -- I had had ammo in the basement, and  
4 they were wheeling out all my ammo boxes and all my  
5 parts and everything and loading them all up. I  
6 watched it.

7 Q How long after being placed in the  
8 vehicle did you observe officers taking items, taking  
9 property out of your house?

10 A Well, I hadn't been sitting there too  
11 long when they started.

12 Q Five or ten minutes?

13 A Probably. It might have been a little  
14 longer. Then I saw -- the last one I saw the deputy  
15 was walking out, he had an AR-15. He was carrying it  
16 by the handle, and I could tell by he look on his  
17 face it was like a kid in a candy store, you know,  
18 walking out with that gun. Then I lost  
19 consciousness, and I just went down.

20 Q How long was that after you had been  
21 placed into the patrol car?

22 A Probably 15, 20 minutes. Something like  
23 that.

24 Q These initial 15 to 20 minutes before

1       you lost consciousness, tell me specifically what you  
2       observed going on outside.

3               A       They were loading, loading up my guns in  
4       the pickup truck.

5               Q       Into a pickup truck?

6               A       Three of them, I think there were three  
7       of them. The house sits like so, the driveway is  
8       here with the patrol car, and then there was three  
9       pickup trucks (indicating).

10              Q       Mr. Six, let me stop you for a moment.  
11       You're diagramming something that's going to be very  
12       difficult for the court reporter to take down.

13              A       If I said the house is facing east --

14              Q       I will make it easy on you, Mr. Six.  
15       I'm going to hand you a piece of paper, if you want  
16       to, to draw what you're trying to describe.

17              A       Okay.

18              Q       That would perhaps make it easier on the  
19       court reporter.

20              A       I'm not an artist.

21              Q       Let the record reflect that Mr. Six has  
22       drawn a schematic of what I believe to be his  
23       property.

24              A       Very rough. This is the house, and the

1 door is on this side, this is a deck. The door goes  
2 out to an elevated deck. There's a couple steps  
3 right here that go down to the ground, and you walk  
4 out this way and over to the driveway to get to the  
5 car.

6 These are three pickup trucks that were  
7 parked over here in the grass adjacent to the  
8 driveway. They were carrying stuff out the door  
9 here, and also the house has a walkout basement.  
10 They were carrying stuff out of the basement loading  
11 it into these three pickup trucks (indicating).

12 Q From the back of the patrol car you had  
13 an unobstructed view of the house and the three  
14 pickup trucks; is that accurate?

15 A That's accurate.

16 Q You observed the officers --

17 MR. CONOMY: Just to clarify the  
18 geometry here. The patrol car that you're seated in,  
19 the car is facing toward -- along the driveway in the  
20 direction of the house facing west on your diagram?

21 THE WITNESS: No, he was facing  
22 east -- or facing west, sorry, yes. This is the  
23 front of the car. I was in the backseat.

24 MR. CONOMY: You're in the backseat.



1 So you're facing --

2 THE WITNESS: I could look out the  
3 side window and the side window and the windshield  
4 from the backseat (indicating).

5 MR. CONOMY: So you didn't have to  
6 turn around to see all this?

7 THE WITNESS: No.

8 MR. CONOMY: It was in front of you.  
9 I wanted to clear that up.

10 By Mr. Bernhart:

11 Q You've identified six to eight officers  
12 inside the house when you were there, another six to  
13 eight officers outside the house. Did you observe  
14 those officers who were outside the house then going  
15 into the residence?

16 A Yeah, they pretty much -- they were all  
17 carrying stuff out.

18 Q Did you observe anyone's uniform that  
19 you could identify in particular as that who was  
20 bringing items out of the house?

21 A Well, I could see that they were in  
22 uniforms. I couldn't really read -- I couldn't see  
23 what agency they were from, but I could see they were  
24 in uniforms.

1           Q       Other than guns, did you observe any  
2 other items being taken out of your house?

3           A       Oh, yeah. All the ammo cans that I had  
4 in the basement that were filled with ammunition and  
5 parts.

6           Q       You could differentiate that between the  
7 guns?

8           A       Oh, sure. The guns were in cases and  
9 boxes, and they used my boxes that I had them stored  
10 in to carry a lot of them out, and the cases that I  
11 had them in, they carried them out in those cases.

12                   The ammo in the basement was in ammo  
13 cans. They used my two wheeler to wheel out the ammo  
14 cans out of the basement.

15           Q       A dolly?

16           A       Yeah.

17           Q       What were the guns stored in inside the  
18 residence?

19           A       Well, I had a gun cabinet and I had some  
20 foot lockers and some were just in cartons. Like  
21 Smith & Wesson boxes. The Beretta one would be  
22 Mauser. I had them separated.

23           Q       Was it a wood box?

24           A       There was both. There was a wooden foot

1 locker and some of them were just in cardboard boxes  
2 in zipper pouches. Each one had its own pouch. They  
3 weren't just jumbled together. As a collector, you  
4 have to -- you want them to be nice. So each one was  
5 in its own zipper pouch.

6 Q Were all of these boxes and lockers  
7 locked?

8 A The room itself that I keep them in is  
9 locked.

10 Q Which room is that?

11 A That would be -- there's two bedrooms, a  
12 big one and a small one. The small bedroom was the  
13 one where I kept my guns.

14 Q So in the small bedroom all of the guns  
15 you contend were stored in there?

16 A Not all of them. My wife has her guns,  
17 and they were in her room.

18 Q The large bedroom?

19 A Yeah. Then there was a shotgun in the  
20 dining room in the corner in a case that I kept for  
21 hawks, coyotes and any type of thing that would get  
22 after the chickens, I kept it handy.

23 Q In the corner of the living room?

24 A Dining room.

1 Q What type of box was that stored in?

2 A It was in a case, a zipper case.

3 They're cloth and they have a spongy lining, a felt  
4 lining on the interior.

5 Q Can you see what's inside the bag --

6 A No.

7 Q -- from outside of it --

8 A No.

9 Q -- without opening it up?

10 A No. Anybody who knows guns would  
11 recognize a gun case, but I'm not saying everybody  
12 would know it was a gun case. I don't know what else  
13 you would store in a case that long.

14 Q Law enforcement officers --

15 A Law enforcement officers would know that  
16 was a gun case. But it was like in the very corner  
17 next to an island where it's got pots and pans and  
18 all that stuff in it. So it's not really readily  
19 visible from there.

20 Q Besides the two bedrooms and the one gun  
21 that's in the dining room, did you have guns stored  
22 in any other area of the house?

23 A No.

24 Q None in the basement?

1           A       No, no, it's too humid down there.

2           Q       None in the living room?

3           A       Just the two that were disassembled.

4       They weren't stored. They were, you know, they were  
5       going to be put back together and put with the  
6       others, you know.

7           Q       Besides the -- I apologize. I forget  
8       what you called them, the ammo barrels?

9           A       Cans.

10          Q       Ammo cans --

11          A       Uh-huh.

12          Q       -- and guns, did you observe from the  
13       backseat of the patrol car any other items being  
14       taken out of the house?

15          A       Oh, they did take my -- I had a box  
16       where I kept all my important papers, deeds and  
17       transfers, you know, death certificates and all that  
18       kind of stuff and my tax records, I saw them carry  
19       that out.

20          Q       You recognized the box?

21          A       Yeah, uh-huh.

22          Q       This is before you were unconscious?

23          A       I don't know if it was before or after.

24          Q       Are there officers standing near the

1 patrol car while you are sitting in it?

2 A No, everybody was busy visibly carrying  
3 stuff out.

4 Q Did you try to get out of the patrol car  
5 at any time?

6 A Not until they opened the door.

7 Q You've testified that your cuffs came  
8 off. So you were uncuffed. You weren't placed under  
9 arrest, correct?

10 A Correct.

11 Q Did you make any attempts to get out of  
12 the patrol car?

13 A Not that I can recall. There's no door  
14 handles or anything. I mean, I knew from my own  
15 experience, the only way you could possibly have  
16 gotten out would be to kick out the window or  
17 something. I was not likely to do that in stocking  
18 feet.

19 Q What about when the door is open? The  
20 door is open, you're not under arrest, you don't have  
21 handcuffs on, did you try to get up and leave?

22 A I wanted to breath then. No, I was, you  
23 know, I was trying to -- I just wanted to breathe,  
24 and I asked them for something to drink. I couldn't

1 have stood upright then anyway.

2 Q Who did you ask for something to drink?

3 A The guy that opened the door.

4 Q You don't recall who it was that opened  
5 the door?

6 A No. He was a Meigs County deputy  
7 though. I said, "I've got to have something to  
8 drink." He went up -- they all had pizza and stuff,  
9 you know, right then. He went up and he brought me a  
10 cup of root beer or pop of some kind. I said, "I  
11 can't drink that. As thirsty as I am, it will make  
12 me sick." He said, "We don't have any water." I  
13 said, "Well, there's bottled water in my refrigerator  
14 in the kitchen. If you will go up there and bring me  
15 one, I sure would appreciate it."

16 He went and got me a bottle of water and  
17 brought it out to me. That was a very considerate  
18 officer right there. He wasn't like the first bunch.  
19 Plus he saw what kind of shape I was in, I imagine.

20 Q You stated that you saw them eating  
21 pizza up there. What did you observe?

22 A I didn't know who he was, but Matt  
23 Donahue showed up and he had a big stack of pizzas,  
24 and they all had pizza and pop and everything there.

1 Q Who is Matt Donahue?

2 A Prosecutor.

3 Q How did you know who he was?

4 A Well, after -- I mean, I didn't know  
5 that day who he was, but then when we got to court  
6 and started the proceedings.

7 Q I understand. You observed who you  
8 later knew to be Matt Donahue carrying pizzas up to  
9 the residence?

10 A No. I seen the delivery guy, but he was  
11 wearing a white shirt, plus they don't deliver pizzas  
12 out where I live.

13 Q Did you recognize the pizza company?

14 A No, I don't know where he got them.

15 Q Is there anything else sitting here  
16 today you recall observing while you were sitting in  
17 the back of the patrol car other than what you have  
18 already told us?

19 A Well, the dog. The guys came and they  
20 brought a dog and, of course, my dog -- one of my  
21 dogs was out, you know. I wasn't sure if that was  
22 going to be a good deal or not because this was a  
23 black German Shepherd, nice dog. They took him and  
24 they walked him all over the place, you know. He was



1 smelling trying to find, you know, probably a drug  
2 dog. Nobody said. He was probably a drug dog. They  
3 walked him all over place. He was a K-9 handler, you  
4 know.

5 Q I understand there was marijuana seized  
6 from the residence, correct?

7 A Yeah.

8 Q There was not only the large containers  
9 of marijuana that were in the packages, but there  
10 were other small amounts of marijuana seized from the  
11 residence; is that accurate?

12 A Uh-huh.

13 Q Was that your marijuana?

14 A No.

15 Q Do you know whose it was?

16 MR. PETTEY: I'll object as to  
17 relevance. You can go ahead and answer.

18 A Yeah. I have a cramp in my leg. That  
19 happens sometimes.

20 Q If you want to answer the question, we  
21 can take a quick break.

22 Do you knew who the marijuana inside the  
23 residence belonged to?

24 A It was my wife's.

1

- - -

2

Recess taken.

3

- - -

4

By Mr. Bernhart:

5

Q Back on the record.

6

7

8

9

10

11

A (Witness nods affirmatively).

12

13

Q Apart from the pickup trucks, did you observe items being placed in other vehicles?

14

15

A Well, the dogs in the dog warden's truck.

16

17

Q Dogs were taken from your residence?

A Yeah, they took my dogs.

18

19

Q Did you get them back?

A Yeah, my wife went and got them the next day.

21

22

23

24

MR. PETTEY: I was going to interrupt. I forgot. There was something that Robert brought to my attention during the break. I'm not sure if it was even asked, I can't remember if

1 the question was even asked, but it was something  
2 about while he was in the patrol car, and I know we  
3 discussed that at some length. So, Robert, why don't  
4 you tell them what you were telling me.

5 A You asked me if I tried to get out.

6 Q Yes.

7 A I took that to mean physically tried to  
8 open the doors or something like that, which, you  
9 know, would be felony escape. Risky to do that.

10 Q Mr. Six, your testimony has been that  
11 you were not placed under arrest?

12 A Right. I was a detainee. To tell you  
13 the truth, we didn't have detainees that I can recall  
14 back in the seventies. I hadn't heard that term  
15 until that day.

16 Q Did you take being told that you were a  
17 detainee to mean the same thing that you were under  
18 arrest?

19 A No, but I took it to mean that I  
20 couldn't leave, you know. Not that I could anyway  
21 because the patrol car was locked and didn't have any  
22 door handles.

23 Q Let me ask you. I've seen patrol cars  
24 in Meigs County, and my understanding is that they

1 have levers to roll down the windows and open the  
2 door. Are you telling me that the cruiser that you  
3 were in that day did not have those mechanisms?

4 A That's correct.

5 Q Did you look around to see whether it  
6 had those mechanisms?

7 A Yes.

8 Q What did you do to check for them?

9 A Well, I just looked at the door,  
10 interior of the door.

11 Q Would you be surprised to know that the  
12 cruiser you were being held in or all Meigs County  
13 cruisers have door handles in the backseat?

14 A Do they function?

15 Q I'm asking you would you be surprised if  
16 you knew --

17 A Yes, I would be surprised because, you  
18 know, even back in the seventies, the back doors  
19 didn't have operating or functioning door handles or  
20 window cranks.

21 Q I understand your experience in patrol  
22 cars is that you didn't understand them to have door  
23 handles and window levers, but I'm asking you would  
24 you be surprised to know that the Meigs County

1       cruisers have those mechanisms?

2               A       Yes, I would be quite surprised.

3               MR. PETTEY:       Now, that wasn't what we  
4       had talked about. So why don't you go ahead and talk  
5       about what we talked about.

6               A       The other possible interpretation of  
7       your question as far as getting out goes was did I  
8       try to get someone's attention to open the door, and  
9       I did do that. I couldn't believe that they put me  
10      in there in August with all the windows rolled up. I  
11      was sure somebody was going to come back in a few  
12      minutes and roll down the window or turn on the car,  
13      start the air conditioner or something.

14               I was sitting in there like this  
15      (indicating), and when they walked by, I was, you  
16      know, jumping up and down, you know, trying to get  
17      their attention, even yelling, but it was almost like  
18      they never really looked at me or heard me.

19               MR. PETTEY:       For the record, he's  
20      sitting there with his hands behind his back as if  
21      he's handcuffed.

22               A       Like this in handcuffs (indicating).

23               Q       Let the record reflect that Mr. Six is  
24      bobbing up and down in his chair.

1           A       Uh-huh.

2           Q       So your previous testimony that you  
3       didn't have communications with any of the officers,  
4       are you now saying that's not accurate, you did  
5       communicate?

6           A       Attempted to communicate, but I had no  
7       communication. They did not acknowledge that I was  
8       in the car.

9           Q       Besides bobbing up and down in your  
10      seat, what did you try to communicate to the  
11      officers?

12          A       I yelled something, you know, "Don't  
13      forget me," you know. "Can you roll down the  
14      window," I think is what I was yelling, as I recall.  
15      If they would just opened the window, it would have  
16      helped.

17          Q       You've also testified that during the  
18      entire time that you sat in the back of the patrol  
19      car, you observed officers going in and out of the  
20      house?

21          A       Not the entire time. I did -- they were  
22      going in and out before I passed out. Then they were  
23      still going in and out when I regained consciousness.

24          Q       You didn't really think they were going

1 to leave their cruiser with you in it on your  
2 property, did you?

3 A No. I figured, you know, either they  
4 were going to let me loose or let me go back in the  
5 house, you know. I was a little bit surprised when  
6 they took me to jail.

7 Q How long had -- approximately how long  
8 were you in the cruiser before one of the deputies  
9 opened up the door?

10 A To my best estimate, a couple hours.

11 Q You've already testified that it was  
12 4:00 when the initial raid occurred. So a couple  
13 hours later, we are into the early evening by this  
14 time?

15 A (Witness nods affirmatively).

16 Q Yes?

17 A Yes. It was 6:00 or so.

18 Q What was the weather like that day?

19 A It was hot, sunny. August. August 5th,  
20 you know. It was real hot in the police car.

21 Q Did you have any observations whether  
22 the sky was clear?

23 A It was sunny. It was clear.

24 Q Even into the early evening hours?

1           A       Yeah, you know, August it stays  
2 daylight. I think it was like 7:00 or so before we  
3 left and got down to the Meigs County Jail. I think  
4 it was still daylight, you know. Waning, but it was  
5 still daylight.

6           Q       Do you have trees on your property?

7           A       Yeah.

8           Q       How close are the trees located to the  
9 driveway?

10          A       There's one -- if you look at my diagram  
11 here, there's one right here. This is a redbud tree.  
12 It's right here (indicating). It's not big enough  
13 tree to shade anything unless you just sit right  
14 under it. The driveway is exposed to sun. There's  
15 no shade.

16          Q       Did you observe any shadows on the  
17 property while you were in the back of the patrol  
18 car?

19          A       No. I wasn't looking for shadows, you  
20 know. You mean shadows from?

21          Q       Did you observe any shadows on the  
22 property while you were being -- while you were held  
23 in the back of the patrol car for several hours?

24          A       No, I wasn't. I wasn't -- you mean like



1 people walking in the house were they casting  
2 shadows? Probably, but it wasn't, you know, it  
3 wasn't the focus of my attention.

4 Q There were pictures taken -- I'll  
5 propose to you that there were pictures taken at the  
6 scene of your residence that day, and if it was a  
7 sunny day, I would suspect that there would be plenty  
8 of shadows from at least the tree --

9 A If they took some outside. All the  
10 pictures that I saw were taken inside the house, as I  
11 recall. There may have been some outside.

12 Q While you were being held in the back of  
13 the patrol car, other than the officers who you don't  
14 recognize and former Sheriff Beegle, who did you  
15 recognize? Did you observe anyone else on the  
16 property?

17 A Other than law enforcement?

18 Q Correct.

19 A No.

20 Q So there was nobody you knew who you  
21 observed?

22 A No.

23 Q Who's Todd Anderson?

24 A He was my neighbor. He told my wife

1       that he had come by the house and saw all the  
2       commotion and stopped and asked what was wrong. I  
3       never saw him because he obviously came while I was  
4       passed out in the back of the car. So I never saw  
5       him, but he told my wife he stopped by.

6               Q       Have you spoken with Mr. Anderson about  
7       this case?

8               A       No.

9               Q       Is he still your neighbor?

10              A       Yeah. I haven't talked to anybody about  
11       this case.

12              Q       Do you talk to Mr. Anderson?

13              A       Oh, yeah. Christmas card exchanges and  
14       the whole bit, but never about this. He did ask my  
15       wife what had happened. She talked to him about it a  
16       little bit but not, you know.

17              Q       And he told your wife that he stopped by  
18       your residence that day?

19              A       They told him to get on down the road or  
20       they were going to arrest him.

21              Q       You've spoken about being passed out for  
22       a period of time in the back of the patrol car. How  
23       long do you believe you were passed out.

24              A       Somewhere close to two hours would be my

1       guess.

2               Q       Was there a clock in the patrol car?

3               A       No, no clock.

4               Q       Did you have a watch on at the time?

5               A       No, just my pants and socks. What I'm  
6 going by is we arrived at the police station about 7.

7               Q       Where do you get that from?

8               A       They had a clock in there, where they  
9 signed in, and I looked at the clock.

10              Q       So by your estimate, you're placed in  
11 the back of the patrol car around 4:15 in the  
12 afternoon?

13              A       Uh-huh.

14              Q       And you're held in there until sometime  
15 before 7:00 because 7:00 is the time that you were in  
16 the police station?

17              A       Yeah.

18              Q       How long of a drive is it from your  
19 residence to the Meigs County Sheriff's Office?

20              A       Twenty-six miles.

21              Q       Is that where you were taken to?

22              A       Uh-huh.

23              Q       So that's where you saw the clock?

24              A       Uh-huh.

1           Q       Approximately how long does it take to  
2       make that drive?

3           A       Half hour depending on weather. It was  
4       a sunny, dry day. It was probably a half hour drive,  
5       thereabouts.

6           Q       So you had to leave the residence by  
7       6:30 to make it there by 7:00?

8           A       That's a fair estimate.

9           Q       You've testified that you were passed  
10      out by your estimate for a couple hours. If you were  
11      only in the police car from around 4:15 until 6:30,  
12      are you contending you were passed out the whole time  
13      you were in there?

14          A       Most of it, yeah. I couldn't have  
15      been -- maybe 15, 20 minutes in there before I passed  
16      out. It got hot very fast.

17          Q       How long were you in the patrol car  
18      after they opened up the door until the time you  
19      left?

20          A       Not very long. They opened it up and  
21      there was a couple guys that came and sat in the  
22      front of the car and asked me questions and stuff.  
23      Then we left. There was still a bunch of people  
24      there, but we went ahead and left.

1 Q Do you know who those officers were?

2 A No.

3 Q What did they ask you?

4 A I can't remember.

5 Q Had you woke up by the time they got  
6 into the car?

7 A Yeah, I think that's what woke me up was  
8 them getting in, opening the door, and I felt the  
9 air. I told one of them, I said, "Don't get  
10 excited," I kept my hands behind my back even though  
11 the handcuffs had come off. I said, "Don't get  
12 excited here, but the handcuffs came off," and I went  
13 like that (indicating). He said, "You have to have  
14 your handcuffs on." I said, "Please don't put the  
15 handcuffs on." He said, "Well, we'll cuff you in  
16 front."

17 They cuffed my hands in front. Because  
18 that position, I got the bad back and sitting in that  
19 position and laying in that position when I passed  
20 out, I was pretty miserable because my ribs were  
21 hurting.

22 Q Did you inform those officers you were  
23 passed out in the back of the car?

24 A No. I imagine -- I don't know, but I

1 would suspect they would come back and looked in on  
2 me. Like I said, when I was a cop, we did not leave  
3 prisoners unsupervised. If we had somebody arrested,  
4 we had to stay with them in the car. Somebody  
5 stayed. Maybe that's changed since then, but that's  
6 the way we did it.

7 Q But it's your understanding you had not  
8 been arrested at that time?

9 A That's true.

10 Q Besides the communication about your  
11 handcuffs being off, what else did you communicate  
12 with those officers who were in the front of the car?

13 A Well, that's what I'm saying, he was  
14 asking me stuff, but I can't remember what he asked.

15 Q Approximately how long were you in the  
16 car before you observed the officers eating -- before  
17 you saw Mr. Donahue arrive with the pizza?

18 A I don't know.

19 Q Was it in the first few minutes or --

20 A No. When I -- when I woke up, at the  
21 time when I woke up and looked out, I saw him and the  
22 pizza boxes. I don't know what time that was. It  
23 might have been -- I couldn't even guess because I  
24 didn't have a watch or anything, but he probably

1 knows what time it was.

2 Q You've testified that at one point the  
3 officers asked you if you would like something to  
4 drink.

5 A I told them I got to have something to  
6 drink. I'm just bone dry.

7 Q Approximately how long had you been in  
8 the car when that occurred?

9 A It was, I'd say close, to a couple  
10 hours. I would say that was probably around 6. The  
11 pizza thing was already over with. He said, "All we  
12 got left is some pop." He brought me that. I said,  
13 "I can't drink that. It's too sweet." I was too  
14 hot. If you've ever been that hot where soda just  
15 wouldn't do it, I was there. I had to have water.

16 Q So you're awake to observe the officers  
17 taking property, taking guns out of your house.  
18 You're awake observing officers taking the boxes of  
19 ammo out of your house. You're awake when the pizza  
20 arrives. You're awake to be asked if you want  
21 something to drink. It sounds like maybe you were  
22 awake a little longer than 10 or 15 minutes in the  
23 back of the patrol car; is that fair?

24 A What I'm saying is I was awake for 10 or

1       15, 20 minutes. I was awake before I passed out.  
2       Then I was awake for a while before we left. That's  
3       when he offered me -- it was after I had been in the  
4       car for whatever period of time that he offered me  
5       the drink.

6               Q       By your account you were in the car a  
7       total of two hours and 15 minutes, thereabouts,  
8       before being transported.

9               A       That's probably -- yeah, I think that's  
10      right. Because it was a little after 4, and then we  
11      got to the police station at 7.

12              Q       Do you recall who transferred you back  
13      to the police station?

14              A       No.

15              Q       Were they Meigs County deputies?

16              A       Yes, they were Meigs County deputies  
17      uniformed.

18              Q       Was there anyone else in the car?

19              A       There were two of them in the car.

20              Q       The two deputies in the front seat?

21              A       Uh-huh.

22              Q       Anyone else in the backseat?

23              A       No, just me.

24              Q       On the way to the sheriff's office where



1 the jail is, did you have any communication with  
2 those two officers during the transport?

3 A No. They were holding a conversation,  
4 but I couldn't tell you what it was about.

5 Q You didn't communicate with them?

6 A No. I was feeling pretty bad actually.

7 Q When you arrived at the jail, did you  
8 ask to speak with a doctor?

9 A I don't think -- no, I don't believe I  
10 asked for a doctor.

11 Q Did you ask to speak with a nurse?

12 A No, I didn't think they had one.

13 Q Are you feeling better by the time you  
14 got back to the jail?

15 A No, not really. When they put me in the  
16 general population, I was doing this (indicating).  
17 One of the other prisoners said, "Is there something  
18 wrong?" I said, "Yeah, my side really hurts." He  
19 said, "Well, there's no point in asking for a  
20 doctor," he said, "they won't even take you down  
21 until tomorrow or the next day." I didn't know  
22 better.

23 Q Before being admitted into the jail, did  
24 you complete a medical questionnaire?

1           A       Uh-huh.

2           Q       On that medical questionnaire, did you  
3 indicate any injuries from being held in the back of  
4 the police car?

5           A       I don't remember. I can't recall.

6                               - - -

7                       Thereupon, Defendant's Exhibits C and D  
8 were marked for purposes of identification.

9                               - - -

10       By Mr. Bernhart:

11           Q       I've marked the diagram that you  
12 sketched Exhibit C.

13                       Mr. Six, take a moment and review  
14 Exhibit D.

15                       Have you had an opportunity to review  
16 that?

17           A       Uh-huh.

18           Q       Do you recognize this document?

19           A       No, not really.

20           Q       Is this the medical questionnaire that  
21 we were just talking about that you acknowledge  
22 completing upon being admitted into the jail?

23           A       I completed this?

24           Q       I'm asking you.

1           A       No, I don't think that I did.

2           Q       Is that your handwriting on this  
3 document, Mr. Six?

4           A       No.

5           Q       Is there a medical questionnaire which  
6 you acknowledge you completed prior to being admitted  
7 into the jail that's different than this medical  
8 questionnaire?

9           A       One I filled out, you're asking me that?

10          Q       You testified that you did complete one.

11          A       I did.

12          Q       That's what you just testified to, sir.

13          A       Oh, I don't remember me filling out a  
14 medical document.

15          Q       Did somebody ask you questions?

16          A       Yes. These are obviously my answers.  
17 This is not my writing.

18          Q       Fair enough. These are your responses  
19 to questions?

20          A       These are my responses to questions.

21          Q       Is there anywhere on here, sir, you can  
22 point out where you informed the person completing  
23 this questionnaire about injuries sustained being  
24 held in the back of the police cruiser?

1                   MR. PETTEY:       I'll note an objection.  
2       There's nowhere on this form to indicate that. You  
3       can go ahead and answer the question.

4                   A       Would you repeat that?

5                   Q       Sure.

6                                       - - -

7                   Previous question read by the reporter.

8                                       - - -

9                   A       No, I can't see any question on here  
10       about that.

11                  Q       Okay. Had you ever been to the Meigs  
12       County Jail prior to August 5, 2009?

13                  A       No.

14                  Q       Upon being admitted, were you placed  
15       into what they called general population with all the  
16       other inmates?

17                  A       Yeah.

18                  Q       How long did you remain in general  
19       population?

20                  A       Until the next morning.

21                  Q       So from approximately 7:00 on the  
22       evening that you were retained until?

23                  A       Midmorning.

24                  Q       On August 6th?

1 A Uh-huh.

2 Q How were you removed from general  
3 population?

4 A Taken to the courthouse.

5 Q You were released on bond?

6 A Yeah.

7 Q A few minutes ago you talked about being  
8 placed in segregation. I'm wondering when that  
9 occurred.

10 A I did? I said segregation, I was  
11 segregated?

12 MR. PETTEY: I think the record will  
13 reflect he said he was placed in general population.

14 Q Okay. Let me ask you: Were you ever  
15 placed apart from the other inmates into a cell by  
16 yourself?

17 A No.

18 - - -

19 Thereupon, Defendant's Exhibit E was  
20 marked for purposes of identification.

21 - - -

22 By Mr. Bernhart:

23 Q Mr. Six, have you seen this document  
24 before?

1 A No.

2 Q Is that your signature in the middle of  
3 the document next to Inmate Signature?

4 A Yes.

5 Q Do you know whose signature that is at  
6 the bottom?

7 A No, I can't even read that.

8 Q That indicates that it's a  
9 supervisor/officer or officer in charge.

10 A Uh-huh.

11 Q Do you know why you signed this  
12 document?

13 A Why he signed it?

14 Q You just testified that was your  
15 signature --

16 A Yeah.

17 Q -- in the middle of this page.

18 A Yeah.

19 Q I'm asking if you remember why you  
20 signed this document?

21 A I don't remember signing it, no. I  
22 don't remember ever even seeing it. I've read it. I  
23 see what it is. It says that I request admission for  
24 protection. That didn't happen. I was put in

1 general population. I really don't know what that's  
2 about.

3 Q So it's your testimony that you remained  
4 in the general population during your entire stay --

5 A Yeah.

6 Q -- at the Meigs County Jail?

7 A Yeah.

8 Q During that time from the evening around  
9 7:00 on August 5th until the time that you went to  
10 court the following morning, did you ask to see a  
11 doctor or a nurse?

12 A I don't believe so. As I said, the  
13 other inmates said it was a waste of time.

14 Q Who was that other inmate?

15 A I don't know who they were. There were  
16 seven or eight guys in the cell.

17 Q Mr. Six, would you go back to exhibit,  
18 it was the Inmate Medical Questionnaire. Do you have  
19 that in front of you?

20 A I have it.

21 Q On Question 21, would you read the  
22 question?

23 A "Do you have any other medical  
24 problems?" and it's not checked.

1           Q       There's an indication here that you  
2       reported what appears to be cirrhosis, the second one  
3       I can't read.

4           A       Hemachromatosis.

5           Q       And two bad discs.

6           A       Right.

7           Q       Is there any reason you wouldn't have  
8       reported injuries sustained in the back of the police  
9       car at the time you reported these medical  
10      conditions?

11          A       I don't remember him asking me that. He  
12      asked me about medical conditions. I don't think he  
13      asked me about any injuries I sustained.

14          Q       Do you contend that you sustained any  
15      injuries by being held in the back of the patrol car?

16          A       I was sick for quite a while after that,  
17      not to mention the pounding on the floor. You can  
18      still feel those knots.

19          Q       That's not what I am asking about. I'm  
20      asking about the time you were held in the back of  
21      the patrol car.

22          A       Permanent injuries, I think not, but it  
23      was pretty rough there while I was in the car. Then  
24      I was sick for a good time after I got home after



1       that too.

2               Q       Did you see a doctor?

3               A       Yeah.

4               Q       What doctor did you see?

5               A       Dr. Carin.

6               Q       Doctor?

7               A       Carin, C-a-r-i-n, Steven Carin, but he  
8       died May 15th the following year. He had been my  
9       doctor since '94.

10              Q       During the course of this litigation, we  
11       had requested records for you to obtain from Dr.  
12       Carin. Do you recall that?

13              A       Yeah. He's dead.

14              Q       Your response was that no records exist?

15              A       That's right.

16              Q       Do you have any explanation for why no  
17       records exist for him seeing you?

18              A       He died. They said at his office that  
19       he had not filled out that paperwork prior to his  
20       death. He hadn't entered into my patient -- the only  
21       paper I had was the one that I was there and not his  
22       diagnosis. He was notoriously slow on paperwork. He  
23       was the team physician for Ohio University football  
24       team, and he was just a busy guy.

1 Q Where did you see Dr. Carin at?

2 A At the Castrop Center is where his  
3 office was next to O'Bleness.

4 Q Where?

5 A Castrop Center. He worked for Ohio  
6 University Medical Associates was the name of the  
7 outfit.

8 Q When did you see Dr. Carin?

9 A It was like ten days or so after I was  
10 released from jail.

11 Q What did you see him for?

12 A Well, my ribs were hurting.

13 Q Anything besides the ribs?

14 A The hemachromatosis, he monitored that.  
15 He's my regular doctor.

16 Q Conditions that you held prior to the  
17 time of being held in the jail --

18 A Yeah.

19 Q -- being detained?

20 A He's an internal medicine specialist.  
21 He looked after my liver. These are all liver  
22 diseases, you know.

23 Q Besides that visit approximately ten  
24 days after being released, did you see Dr. Carin

1       again prior to his death?

2               A       Oh, I saw him the day he died.

3               Q       What day was that?

4               A       May 15.

5               Q       Of what year?

6               A       2010. He was fine that day, and then  
7       6:00 that night he had an aneurysm and that was it.

8               Q       By my estimation, May 15, 2010 is ten  
9       months after you were held at the Meigs County Jail.

10              A       I saw him the day he died, but I had  
11       seen him just, you know, I saw him periodically,  
12       including right after I was out of jail. A week or  
13       ten days after I was out of jail was the first time I  
14       saw him after the raid, and I didn't tell him what  
15       happened. I just told him I fell down and hurt my  
16       ribs. I didn't tell him anything about the raid. I  
17       don't talk about this with anybody.

18              Q       Approximately how many times do you  
19       believe you saw him between August of 2009 and his  
20       death?

21              A       I saw him every six weeks, at least.  
22       Because I have to go for phlebotomy. I have been on  
23       phlebotomy since '97, and I have to go periodically  
24       for phlebotic treatments. So I see the phlebotomist

1 and then I go see him.

2 Q It's your testimony that or it's your  
3 understanding that no records exist of any of those  
4 visits between August of 2009 and May of 2010?

5 A That's right. That's what they said.  
6 Paperwork was not his strong point.

7 MR. PETTEY: We will be glad to sign  
8 a release for those records.

9 A If you can get them, that would be  
10 great. They say they don't exist.

11 Q Who did you inquire of, inquire from  
12 regarding those medical records?

13 A His office stayed open for a couple  
14 weeks after his death, and they sent out letters in  
15 fact and said, you know, if you need anything, get  
16 ahold of us before such and such a date. So I got  
17 ahold of them, and I said, "I'd like to have my  
18 records," and they said, sorry.

19 Then I knew other patients of his too,  
20 and we compared notes and they didn't get their  
21 records either. I wasn't singled out on that. He  
22 just was notoriously poor about doing paperwork.

23 Q Was the treatment that you received  
24 during those ten months all related to the liver

1 issues?

2 A Pretty much.

3 Q You said you were released on O.R.?

4 A Uh-huh.

5 Q You did not have to pay anything, any  
6 money to be bonded out?

7 A No.

8 Q Did you have a criminal defense counsel  
9 at the time?

10 A Uh-huh.

11 Q Who was that?

12 A Carson Crow.

13 Q Was Mr. Crow your attorney prior to this  
14 incident?

15 A Ever since I moved down here, since back  
16 in the eighties. He took care of all the deeds,  
17 contracts and all that kind of stuff.

18 Q So Mr. Crow helped you on a number of  
19 civil matters?

20 A Never any criminal.

21 Q This was the only criminal matter --

22 A Yeah.

23 Q -- that he represented you in?

24 A Uh-huh.

1           Q     What were you charged with? What were  
2     the criminal charges that were brought against you  
3     related to this incident?

4           A     Untagged deer parts, untagged turkey  
5     tail, and marijuana, but I can't remember what the  
6     specific -- I can't remember if it was possession or,  
7     you know. I don't remember what, but something with  
8     a marijuana charge.

9           Q     Something to do with the marijuana that  
10    was in the packages?

11          A     Yeah.

12          Q     You say untagged deer?

13          A     Deer racks.

14          Q     Deer racks and turkey?

15          A     One untagged turkey tail.

16          Q     Is that the same thing as turkey  
17    feathers?

18          A     Yeah. The tail is feathers, yeah.

19          Q     I just want to make it clear for the  
20    record.

21                     Were all of those charges filed in the  
22    same court?

23          A     Yeah, initially, uh-huh.

24          Q     What court was that?

1           A       Judge Story. It was Judge Story,  
2       whatever.

3           Q       It was the county court?

4           A       County court.

5           Q       Meigs County court?

6           A       I guess.

7           Q       Court of common pleas, does that  
8       sound --

9           A       Judge Story was the judge. It wasn't --  
10       there's two courtrooms up there. The little one and  
11       the big one. We started out in the little one.

12          Q       Was that the municipal court, do you  
13       know?

14          A       You're asking me questions I just can't  
15       answer.

16          Q       Fair enough. I don't expect you to  
17       answer something you don't know.

18                   Was Judge Story the first judge that you  
19       went before?

20          A       Yeah.

21          Q       Did Judge Story remain -- did he  
22       continue to preside over the case until its  
23       completion?

24          A       No, the charges were all dismissed.

1 Q Did Judge Story dismiss those charges?

2 A Yeah.

3 Q Did you go to trial on any of the  
4 charges?

5 A No, no trial.

6 Q How do you know that the charges were  
7 dismissed?

8 A It's online.

9 Q Is that how you learned of it?

10 A Yeah. Well, of course, I talked to  
11 Carson about it at the time.

12 Q Did he inform you that the charges were  
13 being dismissed?

14 MR. PETTEY: I'm going to object as  
15 to conversations between him and his attorney.

16 A That's true.

17 Q Fair enough.

18 During the course of -- while those  
19 criminal charges were pending, was it your  
20 understanding that the county was seeking to have  
21 your guns forfeited?

22 A Pardon me?

23 Q During the course of those criminal  
24 proceedings, did you learn that the county was trying



1 to have your guns forfeited?

2 A No, no. We were trying to get them  
3 back.

4 Q What was your understanding why they had  
5 the guns?

6 A I didn't understand it.

7 Q What efforts did you make to have the  
8 guns returned?

9 A Well, Carson brought in Jeffery Finley.

10 Q And who is that?

11 A He was another attorney, and he started  
12 filing stuff with the court trying to get the guns  
13 back and everything else for that matter. They had  
14 my computers. They took a lot of property, knives  
15 and gun parts, military. They probably emptied half  
16 the stuff out of my house.

17 Q Did you ever learn during the course of  
18 those proceedings why the county didn't want to give  
19 you those items back?

20 A No, not really. Of course there was an  
21 indictment in May of the following year, and then the  
22 judge said while I was under indictment, I couldn't  
23 have them.

24 Q Judge Story said that?

1           A       No, this is Judge Crow, Carson's  
2 brother.

3           Q       Judge Crow said you couldn't --

4           A       Couldn't have any firearms.

5           Q       Because of the indictment?

6           A       Yeah.

7           Q       Now, if you know, why was Judge Crow  
8 presiding over this case at this time rather than  
9 Judge Story?

10          A       Well, apparently once you're indicted,  
11 it goes to another court.

12          Q       Would that have been Meigs County Common  
13 Pleas Court?

14          A       There's only two, and we were in the  
15 other one.

16          Q       What was the indictment on? What were  
17 you indicted for?

18          A       Possession of marijuana, six untagged  
19 deer racks, and one turkey tail.

20          Q       So the same three charges that were  
21 initially brought against you?

22          A       Same ones they dropped.

23          Q       So initially -- when you testified that  
24 the charges were dropped --

1           A       Dismissed.

2           Q       -- dismissed, was that before the  
3 indictment came out?

4           A       Oh, yeah, a long time. See, there was a  
5 period of like six or seven months between the time  
6 that the charges were dismissed and the indictment  
7 came down, and during that time they still wouldn't  
8 give my property back to me. I don't know why. I  
9 can't tell you what Carson told me.

10          Q       Were you indicted by a grand jury?

11          A       I guess. Is there another kind?

12          Q       I'm just asking what you understood to  
13 have happened.

14          A       As far as I know, it was a grand jury.

15          Q       Was the possession of marijuana charge  
16 or indictment, were you being charged with a felony  
17 or a misdemeanor, if you know?

18          A       Felony.

19          Q       It was a felony marijuana possession  
20 charge and the untagged deer parts and turkey  
21 feathers?

22          A       Yeah.

23          Q       Was Carson Crow still your attorney at  
24 this time?

1 A Yes.

2 Q Even though the judge presiding over the  
3 case was his brother?

4 A Well, let me -- the judge -- it was then  
5 assigned to a visiting judge for that reason.

6 Q Was that Judge Evans?

7 A Yeah, Evans, right.

8 Q And that was the reason you understood  
9 Judge Crow recused himself because of the  
10 relationship with your attorney?

11 A As I recall, too, there was some illness  
12 involved with the judge. He was sick, not able to be  
13 on the bench.

14 Q Had you ever had dealings with Judge  
15 Evans prior to him presiding over your case?

16 A No.

17 Q Did you know who he was?

18 A No.

19 Q Do you know what county he came from?

20 A Gallia.

21 Q Did you have to go before Judge Evans  
22 and enter a plea to the charges that were filed  
23 against you?

24 A Oh, yeah.

1 Q How did you plead to the three charges?

2 A Not guilty.

3 Q Not guilty?

4 A Uh-huh.

5 Q Was a trial date then set?

6 A Oh, there was a lot of trial dates set.

7 Q Was there?

8 A I got a stack of continuances like this  
9 (indicating).

10 Q Your understanding the case was set for  
11 trial?

12 A I would show up and nobody was there.  
13 Then there wasn't a jury and then the prosecutor was  
14 gone. It was a comedy, I'm telling you.

15 Q Is that when you learned that Matt  
16 Donahue was a prosecutor?

17 A Yes.

18 Q Was he a prosecutor on this case?

19 A Yes.

20 Q Did your attorneys or you through your  
21 attorneys and the prosecution continue to have fights  
22 about the return of the guns while those criminal  
23 charges were pending?

24 A (Witness nods affirmatively).

1 Q Yes?

2 A Yes.

3 Q Did you through your attorneys ask Judge  
4 Evans to have your guns returned?

5 A Yes.

6 Q Did you understand at that time that the  
7 county was opposed to that?

8 A Oh, yeah, obviously, or they would have  
9 given them back. Even after he ordered them  
10 returned, they didn't.

11 Q I want to talk about that in a second.  
12 I will get to that.

13 Do you know what efforts your attorney  
14 has made or you made through your attorneys to have  
15 the guns returned while the charges were pending  
16 before Judge Evans in the Meigs County Common Pleas  
17 Court?

18 MR. PETTEY: I'll object. The record  
19 will speak for itself on this. To the extent you  
20 know, you can go ahead and answer.

21 A You know, I'm not sure I can give a  
22 decent answer, you know, what arguments he made.  
23 Other than they tried -- you know, one of the  
24 arguments is, where are they? For a long time we

1        didn't know where they were being held.

2                Q        Did you later learn where they were  
3        being held?

4                A        I know where I picked them up. I can't  
5        honestly say I knew where they were during the whole  
6        period of time.

7                Q        The time that you picked them up, where  
8        did you pick them up from?

9                A        At the jail, property room above the  
10       jail.

11              Q        Above the Meigs County Jail?

12              A        Uh-huh.

13              Q        Is the jail at the sheriff's office.

14              A        Yes.

15              Q        Was that the first time you learned the  
16       guns were at the sheriff's office?

17              A        No, in the course of the court  
18       proceedings when we were trying to get them returned,  
19       Jeffery found out somehow that's where they were.

20              Q        At some point -- at any point did the  
21       court order that the guns be returned to you?

22              A        Uh-huh.

23              Q        Yes?

24              A        Yes.

1                   Q       And that was a written decision from the  
2       court?

3                   A       Yes, Judge Evans.

4                               - - -

5                   Thereupon, Defendant's Exhibit F was  
6                   marked for purposes of identification.

7                               - - -

8       By Mr. Bernhart:

9                   Q       I'm going to hand you Exhibit F. You  
10       don't need to read the whole decision, but I want to  
11       ask if you have seen this document before?

12                  A       Uh-huh.

13                  Q       Is this Judge Evans' order that the guns  
14       were to be returned that you just described?

15                  A       I think this might have been the  
16       first --

17                       MR. PETTEY:       Again, I will object to  
18       the plaintiff trying to characterize, you know, what  
19       a legal pleading is. The document speaks for itself.  
20       It's asking for a legal conclusion from a nonlegal  
21       expert. But to the extent that you know or have an  
22       understanding, you can testify as to what your  
23       understanding is.

24                  A       I think this was the first time that he



1       tried to get the stuff returned.

2               Q       When you say this is the first time he  
3       ordered them returned, was there another time that he  
4       ordered them be returned?

5               A       Yeah, the order that I'm thinking of had  
6       a certain date on it, and it said that it will be  
7       returned on -- it was April 11th.

8               Q       Okay. So there is a second order that's  
9       issued by Judge Evans stating that the property is to  
10      be returned on April 11th; is that correct?

11              A       Yeah. Well, there was a time frame  
12      involved, and we had to talk to the sheriff when it  
13      was convenient and so on and so forth.

14              Q       That was all discussed with the judge?

15              A       Oh, yeah.

16              Q       This is April 11th of what year?

17              A       2011.

18                                      - - -

19                      Thereupon, Defendant's Exhibit G was  
20                      marked for purposes of identification.

21                                      - - -

22      By Mr. Bernhart:

23              Q       I would ask you if you have seen this  
24      document before?

1           A       Yeah. This was -- yeah, there it is.

2           Q       There what is, sir?

3           A       I told you it was April 11th he ordered  
4       them returned on that date. This is the one. Jagers  
5       was there, yeah.

6           Q       Who is Steve Jagers?

7           A       He's Ohio Valley Investigations. He  
8       retired from law enforcement. He opened his own  
9       business, and he's a professional. You know, he  
10      monitored the guns that were returned as they came  
11      out.

12          Q       Did you ask judge Evans to appoint Steve  
13      Jagers to oversee that?

14          A       I didn't have anything to do with it.  
15      That was all -- that was all decided outside of my  
16      doing.

17          Q       Did Carson Crystal represent you at the  
18      time this order was issued?

19          A       Uh-huh. It's Carson Crow.

20          Q       And Jeff Finley?

21          A       Yes.

22          Q       At the time this order was issued,  
23      criminal charges were still pending, correct?

24          A       I can't remember now. I don't believe

1       so. I really can't remember. Do you mind. I will  
2       be right back.

3               Q       We can take a few minute break.

4                               - - -

5                               Recess taken.

6                               - - -

7       By Mr. Bernhart:

8               Q       Mr. Six, I would like you to look at  
9       Exhibit G for a moment. Were you in court, were you  
10      present in court when this judgment entry was issued?

11              A       I think it came later.

12              Q       If you'll look at the time stamp up in  
13      the top right-hand side, it says that it was received  
14      by the clerk of courts on April 8, 2011.

15              A       Oh, yeah.

16              Q       Do you see what I am referring to?

17              A       Okay.

18              Q       Were you in court on that day?

19              A       Apparently we were there on the 6th it  
20      says here. If you read the first line, "This matter  
21      came on for hearing this 6th day of April."

22              Q       Okay.

23                      MR. PETTEY:       Sorry to interrupt. I  
24      would like to say for the record that the exhibit

1       seems to also have another received stamp of April  
2       11th on it that's fainter maybe than the April 8th  
3       stamp.

4               A       You have April 11th and April 8th here.

5               Q       Okay. Let me be more direct. This  
6       order required that the guns or property be return on  
7       Monday, April 11th?

8               A       Yeah, that's when I got them.

9               Q       Between the date that this order was  
10      issued and Monday, April 11th, did you meet with  
11      Steve Jagers?

12              A       No, he was just there that morning.

13              Q       The morning of April 11th?

14              A       Uh-huh.

15              Q       So walk me through the morning of April  
16      11th. Did you go to the sheriff's office?

17              A       (Witness nods affirmatively).

18              Q       Yes?

19              A       Yes.

20              Q       Did you go by yourself?

21              A       Yes.

22              Q       You drove there?

23              A       I drove a U-Haul truck.

24              Q       Did you have to rent the U-Haul truck?

1 A Yes.

2 Q Why did you rent a U-Haul truck?

3 A There was half a U-Haul truck of stuff  
4 there, and I didn't own a truck.

5 Q So in order to return -- or in order to  
6 haul all of the items that you were going to get, you  
7 needed a U-Haul truck?

8 A Yes.

9 Q Did you know Steve Jagers ahead of time?

10 A No.

11 Q So the morning of Monday, April 11th  
12 when you arrive at the sheriff's office, that's the  
13 first time you had met Steve --

14 A He introduced himself. That was the  
15 first time.

16 Q Did he explain he was there to oversee  
17 the return of your guns?

18 A I knew he was going to be there, but I  
19 hadn't met him before.

20 Q Where had you met him before at?

21 A I hadn't met him before. I knew him. I  
22 knew of him. I knew he was going to be there because  
23 they said, you know, in the discussion in the court  
24 he was going to be there. I met -- that morning was

1 the first time I had ever seen him.

2 Q What did you and Mr. Jagers first  
3 discuss when you met him?

4 A How we were going to do it. I said --  
5 he said, "I will write the stuff down and you can  
6 load it in the truck," and it was -- there was a  
7 flight of stairs involved. Adam was at the top, he  
8 was making his list at the top, and then there was a  
9 couple guys that helped carry them down, and then  
10 Jagers was at the bottom making out his list and I  
11 was loading them in the truck.

12 Q Let's step back a second. A long time  
13 had passed between August of '09 until April of 2011  
14 when the guns were returned?

15 A A long time.

16 Q When you were released from jail and  
17 returned home, were there any guns at that time still  
18 at your house?

19 A They cleaned them out.

20 Q So it's your testimony there wasn't a  
21 single firearm at the residence when you were  
22 released from jail in 2009?

23 A That's right.

24 Q Was there any ammunition left at the

1 house?

2 A There was a birdseed can of antique ammo  
3 sitting in my living room on -- the can was on  
4 display and it had some antique rounds in it that  
5 they left.

6 Q Anything else?

7 A No.

8 MR. PETTEY: I'll object as to  
9 vagueness.

10 Q Were there any other firearms or  
11 ammunition at your residence between the time that  
12 you returned to your residence and when the guns were  
13 returned?

14 A No.

15 Q Did you purchase any guns during this  
16 period of time?

17 A No, no. It seemed kind of pointless to  
18 do that. Plus, you know, Judge Crow said that, you  
19 know, no guns.

20 Q Did you have to report to anybody, any  
21 law enforcement agency such as the ATF that the guns  
22 were no longer in your possession?

23 A No, I didn't have to report it.

24 Q Did you report it?

1           A       No, I didn't, because I wasn't sure  
2 exactly how to handle that. I had a receipt for the  
3 guns.

4           Q       A receipt from the sheriff's office?

5           A       From the sheriff's office. And had the  
6 ATF inquired, all I could show them was the receipt.  
7 Because they took all my logbooks and purchase and  
8 sales orders and all my paperwork. They took  
9 everything. I had nothing.

10          Q       When did you receive that receipt from  
11 the sheriff's office?

12          A       They left one in the house. It was  
13 there when I got home.

14          Q       Have you given that receipt to your  
15 attorney?

16          A       Yeah, he seen it. You got it in  
17 discovery. I've seen it.

18               MR. BERNHART:       Sky, I don't believe I  
19 have seen that. I may have mistaken it was something  
20 else.

21               MR. PETTEY:       I think it's probably  
22 semantics. He is calling it a receipt. It might  
23 have been the inventory from the search warrant.

24          A       That's it. It's got a list of the guns



1       there and a signature.

2               Q       That was left at the house?

3               A       Yes. I called that a receipt.

4               Q       Fair enough.

5                       That was at the house when you returned  
6       on April 6th, 2009 after you were released from jail?

7               A       Yes. Now, should I -- I can tell you  
8       how it went with the ATF if it's relevant.

9               Q       Before we get to that, let's talk about  
10      the return of the guns in April of 2011. You  
11      indicated you met with Steve Jagers, and you  
12      discussed how physically you would get the guns from  
13      the office into the U-Haul?

14              A       Uh-huh.

15              Q       Tell me to the best of your recollection  
16      how all that occurred.

17              A       How we actually got the guns, or the  
18      discussion that led up to how we --

19              Q       Was it 10:00 in the morning --

20              A       Yeah.

21              Q       -- that you arrived at the sheriff's  
22      office?

23              A       Uh-huh.

24              Q       Approximately how long were you there

1       that day?

2               A       Oh, gee. It was, you know, past  
3       lunchtime.

4               Q       A few hours?

5               A       Yeah. It kept threatening rain. We  
6       were trying to hurry because we didn't want stuff to  
7       get wet.

8               Q       How long after arriving at the sheriff's  
9       office did guns start coming down the stairs?

10              A       Within just a few minutes. They knew we  
11       were coming. Everybody was ready.

12              Q       You indicated Steve Jagers was there.  
13       You pointed out Deputy Smith was there. Is there  
14       anyone else present?

15              A       There was a girl from the prosecutor's  
16       office. She was up with him. He probably knows who  
17       she was.

18              Q       Do you know?

19              A       No.

20              Q       How did you know she was from the  
21       prosecutor's office?

22              A       Jagers said she was from the  
23       prosecutor's office.

24              Q       Was there any --

1           A       And Jeffery Finley came by too.

2           Q       You said he came by. Was that after  
3 they returned the guns?

4           A       No, it was kind of at the beginning to  
5 make sure that everything was as planned.

6           Q       Did he stay for the entire time?

7           A       No

8           Q       How long did Mr. Finley stay?

9           A       He wasn't there more than ten minutes or  
10 so.

11          Q       Was Mr. Jagers there the whole time?

12          A       Yeah, he was there the whole time.

13          Q       Was the girl from the prosecutor's  
14 office there the whole time?

15          A       I think she stayed. She was up at the  
16 top of the stairs with him. I think she was there  
17 the whole time. They had the same the problem we  
18 had, somebody had to hold them and somebody had to  
19 write. It takes a couple people to do that.

20          Q       Did you observe anyone else there?

21          A       Yeah, there were other deputies helping  
22 carry the stuff down the steps.

23          Q       Did you recognize any of those deputies?

24          A       No.

1           Q     Have you since learned who those other  
2     deputies were?

3           A     No. I was just glad we had the help.

4           Q     So I understand, the evidence room is  
5     upstairs at the sheriff's office. Where are you  
6     physically located when the guns were being returned?

7           A     At the back of the truck. The stairs  
8     came down and there was an alley right behind the  
9     jail, and I backed the truck up the alley so that we  
10    would come down the stairs and there's a parking lot.  
11    We kind of laid them out, and they would bring them  
12    down faster than Jagers could write them. He would  
13    say, "These are done. Take these." You know, I was  
14    jumping in and out of the truck, trying to put them  
15    where he could write without being damaged.

16          Q     At any point did you go up the stairs to  
17    the evidence room?

18          A     Oh, I was helping carry down the steps  
19    too, but I am not that good with steps with my back  
20    being what it is, let alone carrying stuff. It was  
21    hard, but I did what I could.

22          Q     Did you go into the evidence room?

23          A     No, they didn't let anybody. Not an  
24    outsider.

1           Q     Did you observe Mr. Jagers go into  
2     the --

3           A     No, he never went upstairs. He stayed  
4     down at the bottom of the steps writing.

5           Q     Had you brought with you the inventory  
6     list or the receipt that was left at your house back  
7     in August of '08 with you that day?

8           A     No. I didn't -- that was the only thing  
9     I had, and I really didn't think to bring it.

10          Q     Did you bring any documents with you  
11     that day?

12          A     No.

13          Q     Had you reviewed that inventory list or  
14     receipt prior to that day?

15          A     Oh, sure, I read it.

16          Q     So does anything else occur while you're  
17     there? Did you observe anyone else going up the  
18     stairs, carrying the guns from the evidence room to  
19     the U-Haul?

20          A     Well, just, you know, deputies came and  
21     was helping and Sheriff Beegle came out. In fact, he  
22     came out and him and Jagers talked a little bit. His  
23     wife was with him. They were talking about doing  
24     some remodeling or something in his office. They

1 obviously knew each other.

2 Q Did you have any communications with  
3 anyone there that day other than about the procedure  
4 of bringing the guns down the stairs?

5 A Well, I talked to Jeffery, you know, he  
6 showed up -- no. Actually, no, I didn't have any  
7 other communications other than, you know, I think I  
8 might have made a comment to Mrs. Beegle about the  
9 office and I had been through it and it was -- it  
10 needed fixing up.

11 Q Did you observe anyone writing down  
12 the -- writing down on a piece of paper the items  
13 being returned to you?

14 A Oh, yeah.

15 Q Who did you observe writing that down?

16 A Jagers was writing them down at the  
17 bottom of the stairs, and the girl from the  
18 prosecutor's office was writing them at the top of  
19 the stairs.

20 Q Were they --

21 A There is an independent list, see. Each  
22 had their own. She was like checking them out, and  
23 then Jagers was checking them in.

24 Q Did you obtain that list from Mr. Jagers

1 he was compiling?

2 A No, I never saw it until this  
3 proceeding.

4 Q But you since have seen the list that  
5 Mr. Jagers created?

6 A Yeah.

7 Q Do you possess that list?

8 A I think so.

9 Q Have you produced that to your attorney?

10 A I think he gave it to me. It came out  
11 in discovery here.

12 MR. PETTEY: It's a typewritten list.  
13 It's been produced in discovery.

14 Q Approximately how long did it take that  
15 day while you were at the sheriff's office to load  
16 all the guns?

17 A It was past lunch. It was probably  
18 1:00, 2:00, something like that. We were hurrying  
19 because a little rain would come and go away and try  
20 to rain a little more.

21 Q So three or four hours?

22 A Yeah, probably.

23 Q Back in 2009 when you -- when all the  
24 guns were seized from your house and the receipt is

1 left by the sheriff's office or whoever was there  
2 indicating that the guns were all taken, why didn't  
3 you report it to the ATF that your guns had been  
4 seized?

5 A I really expected to get them back.

6 Q Have you ever spoken with ATF about this  
7 issue?

8 A Oh, yeah.

9 MR. PETTEY: I will note an objection  
10 as to relevance about conversations with ATF. You  
11 can go ahead and answer.

12 Q Have you spoken with ATF about this  
13 issue?

14 A I have their cards. They are out in my  
15 car. Melissa.

16 Q Melissa?

17 A Melissa, what was her last name? I  
18 can't remember her last name now. But I've spoken  
19 with five.

20 Q Five agents?

21 A ATF agents. That's face to face.

22 Q I want to make sure we are on the same  
23 page, Mr. Six. I am asking about communication that  
24 you had with the ATF between August of '09 when the



1 guns are seized and April 11th, 2011 when they were  
2 returned.

3 A Then, no, I didn't talk to them during  
4 that time.

5 Q Did you speak with anyone at that time  
6 other than your wife and your attorneys about your  
7 guns being held?

8 A Nope, I didn't talk to anybody about it.

9 Q So after a few hours, you have all the  
10 guns returned. Did you have to sign anything?

11 A Oh, yeah.

12 Q What did you sign?

13 A The paper that said I was picking these  
14 guns up.

15 Q Was that the paper that was being  
16 completed at the top of the stairs?

17 A You got me there. I might actually have  
18 signed both -- no, I think Jagers and I signed the  
19 same paper. That would have been the one from the  
20 top of the stairs because he wouldn't sign his own  
21 paper.

22 Q Did you sign the paper that Mr. Jagers  
23 created?

24 A I don't think so. I don't think I

1 signed his. I think I signed the one that the girl  
2 from the prosecutor's office had. I think that was  
3 the one.

4 Q Had Mr. Jagers seen -- had you provided  
5 to Mr. Jagers a copy of the inventory list or receipt  
6 that was left at your house --

7 A Did I? No. No, I didn't.

8 Q -- prior to going to the sheriff's  
9 office?

10 A No, I had never seen him before that  
11 day. I didn't have any contact with him.

12 Q Other than the guns and ammunition, what  
13 other types of items were being returned that day to  
14 you?

15 A Well, my computers, there was two  
16 laptops and two PCs. I do a little computer repair,  
17 and one of them I fixed, and they took it along with  
18 mine and my wife's. We got those back. They don't  
19 work anymore, but we got them back. My knife  
20 collection. They returned that, which surprised me  
21 because it wasn't on the receipt, but they did give  
22 it back.

23 Q It was your knife collection?

24 A Uh-huh. A box collection of Bulldog

1 brand knives. It wasn't on the list, but they  
2 returned them. So that was a good thing.

3 Q Was there anything else returned to you  
4 that day?

5 A Well, all of my military, to the best of  
6 my knowledge, everything -- if you look at the  
7 receipt, it just says -- they call it -- they called  
8 it neo-Nazi paraphernalia. It wasn't neo-Nazi. It  
9 was the real thing. It's World War II. They  
10 returned that. To my knowledge I think it was all  
11 there.

12 My holsters, my ammunition. I think all  
13 my ammunition was there, but it's pretty hard to say  
14 when you're talking about, you know, a thousand  
15 pounds of ammo, who knows how many rounds. My  
16 antique Budweiser box, they gave that back. What  
17 was -- what was noticeably missing was all my  
18 paperwork.

19 Q Okay.

20 A That was a real problem.

21 Q What paperwork are you talking about?

22 A My logbooks, my purchase orders, sales  
23 receipts. All the stuff that related to the guns.

24 Q Was there anything else -- when you say

1       noticeably missing, did you notice it at the time you  
2       were still there --

3               A       Yeah.

4               Q       -- it was missing?

5               A       Yeah. Because, you know, again, it was  
6       the same thing with the ATF. If I had got home and  
7       had all the guns and they had showed up and said,  
8       great, let's see the books, they didn't give me the  
9       books back.

10              Q       Was all that paperwork stored in the  
11       same place, in the same box?

12              A       Yeah, pretty much. The record books, I  
13       kept my record books together. My sales receipts and  
14       purchase orders and stuff, they were in the same room  
15       in a cabinet in a different place.

16              Q       Before leaving that day, did you ask for  
17       those items?

18              A       Not that day. I waited until I saw  
19       Jeffery.

20              Q       Were there any other items that were  
21       noticeably missing while you were still there at the  
22       sheriff's office?

23              A       I can't remember anything.

24              Q       Did you notice that these items were

1 missing before or after you had signed the inventory  
2 list that was being compiled that day?

3 A The record books? I knew they didn't  
4 give them back. They weren't -- I didn't sign for  
5 them. They weren't listed. I think that's what you  
6 are asking. I didn't sign --

7 Q Did you notice they were missing before  
8 you signed?

9 A Yeah.

10 Q You didn't inquire about them?

11 A That was all they had in the property  
12 room.

13 Q Is that what they told you?

14 A Yeah, yeah. They said that was it.

15 Q Do you have any reason to dispute that  
16 was all they had in the property room?

17 A No, no, because as it turned out, the  
18 record books, the prosecutor had them in another  
19 place.

20 Q So you later got those books back from  
21 the prosecutor's office?

22 A I got two of them back. This lady just  
23 gave us copies of the books, and Jeffery went back  
24 and complained to the judge again and finally he

1 produced them, or two of the books, he gave those  
2 back.

3 Q Did you notice there was some money  
4 missing, a box of money missing before you left?

5 A They gave me the money.

6 Q That's something you brought to their  
7 attention?

8 A No, no. Adams, he came trotting out. I  
9 forgot about the money. He trotted it right out.

10 Q That's something they found and brought  
11 out to you before you left that day?

12 A Yeah, they did. It hadn't even crossed  
13 my mind. I was so happy to get the guns back that's  
14 all I could think about.

15 Q Did you sign some type of receipt  
16 acknowledging that the money had been returned --

17 A Yes.

18 Q -- while you were there that day?

19 A Yes.

20 Q Was that separate from what you had  
21 signed, the inventory list of returned guns?

22 A I don't remember if it was separate or  
23 not. I can't remember that. But I don't think the  
24 money was in the property room. I think he had to go

1 get that someplace else, but I got it back.

2 Q It was all there?

3 A Yeah.

4 Q Before leaving the sheriff's office that  
5 day, did you have any reason to believe or any  
6 suspicion that some of your property wasn't returned  
7 to you other than the paperwork that you've already  
8 talked about?

9 A Well, that particular day, again, I was  
10 just so happy to get back what I got back that I  
11 wasn't really thinking beyond that. But after I got  
12 home and started unloading it, you know, I started  
13 thinking about, you know, where is the log notes,  
14 where is my -- I started realizing there was some of  
15 them that weren't there.

16 Q Did you and Mr. Jagers have any further  
17 discussion before he left that day or before you and  
18 him departed?

19 A Never saw him again.

20 Q You never saw him again?

21 A No. That was the one and only meeting.

22 Q How did you obtain the list from him?

23 A Jeffery.

24 Q What did you understand those lists to

1       be that Mr. Jagers created?

2               A       Those are what he wrote down that day.

3               Q       After all the guns that were returned  
4       that day?

5               A       He had another list too, and he compared  
6       the two lists and then he found some that were  
7       missing between the two lists. He made a list of  
8       those guns. There was like -- I think like 30, he  
9       came up with 30 that were missing from the original  
10      inventory.

11              Q       From the original inventory receipt or  
12      inventory list that was left at your house the day of  
13      the seizure?

14              A       I think that's what he meant.

15              Q       So later that day when you were  
16      unloading the guns, that's the first time you  
17      suspected not all your property had been returned to  
18      you?

19              A       Yeah. I mean, just one here and there  
20      that was missing from my recollection and, of course,  
21      it had been a year and a half since I had seen them.

22              Q       Since they were in your possession in  
23      the first place?

24              A       Oh, you know, it was like the wheels



1       were turning. There were a couple of them that were  
2       very rare that I recognized that day weren't there,  
3       but it's pretty hard without all the rest of my  
4       record books, it's pretty hard to, you know. I can  
5       see the guns, but I don't memorize serial numbers.  
6       You have to have your record books for that.

7               Q       So in your mind, I mean -- are you  
8       referring to logbooks that the prosecutor's office  
9       had?

10              A       Yes.

11              Q       So you hadn't received the logbooks  
12       and --

13              A       It was July.

14              Q       -- paperwork from the prosecutor's  
15       office right away?

16              A       Not until July or August. I had the  
17       guns since April.

18              Q       When you noticed all your property  
19       wasn't returned to you, what was your next step, or  
20       what did you do?

21              A       Tell Jeffery. I got ahold of Jeffery  
22       and said, "Man, I got to have my logbooks." I said,  
23       "The feds could come out any day now." They should  
24       never took my logbooks.

1           Q       So your initial concern was the logbooks  
2       and paperwork?

3           A       (Witness nods affirmatively).

4           Q       When did you first contact anybody about  
5       the other property, other than the paperwork and  
6       logbooks, that you believed were missing?

7           A       When? It would have been discussions,  
8       you know, with my attorney after that, but I can't  
9       put a date certain on that.

10          Q       With Mr. Finley?

11          A       Yeah, you know, what can we do?

12          Q       Did you contact the ATF --

13          A       No..

14          Q       -- and report the property missing?

15          A       I didn't want to stir up that hornet's  
16       nest.

17          Q       Did you go back to Judge Evans and Meigs  
18       County Common Pleas Court and notify them, notify the  
19       judge that --

20          A       We didn't have the paperwork, yeah.

21          Q       -- not everything had been returned  
22       pursuant to his order?

23          A       Right. Yeah. Actually we were in the  
24       courtroom having that conversation and Matt Donahue

1 left and came back with the paperwork.

2 Q With the logbooks?

3 A (Witness nods affirmatively).

4 Q I am not asking about the logbooks here.  
5 I am asking about guns, ammunition and other items  
6 that you now allege are missing?

7 A I never got it.

8 Q Did you notify Judge Evans or the common  
9 pleas court about that?

10 A No, I would have just told Jeffery about  
11 that. I wouldn't have told the court about it.

12 Q Did you file a police report with any  
13 agency over the guns being missing?

14 A No, no.

15 Q Not just guns, but other ammunition,  
16 other items that you now allege were taken and not  
17 returned to you, did you file a police report --

18 A No.

19 Q -- indicating those were missing?

20 A Well, I did. I have subsequently done  
21 that with the ATF, but I didn't do it at the time  
22 because I was still hoping to get them back. I  
23 believed that they were going to find them or  
24 something was going to happen. Actually to this day

1 I still hope they produce them.

2 Q So you don't notify the court, you don't  
3 file a police report. You subsequently notify ATF.  
4 When was that?

5 A Just the month before last when they  
6 came out.

7 Q Just recently?

8 A Yeah. To go down and tell Sheriff  
9 Beegle that they didn't return all my guns didn't  
10 sound like a healthy thing to do.

11 Q There are other law enforcement agencies  
12 besides Meigs County Sheriff's Office you could have  
13 reported property being -- property missing, correct?

14 A I don't know. Is there? Who would it  
15 be? I live in Meigs County. You wouldn't report it  
16 in Athens County.

17 Q You have a local police department?

18 A No, just the sheriff.

19 Q Have you taken any other action besides  
20 filing this lawsuit in an attempt to get that  
21 property returned to you?

22 A No.

23 Q I'm going to go through a number of  
24 documents I believe we've been talking about, but I

1 want to make the record clear and have you identify  
2 those for the record.

3 - - -

4 Thereupon, Defendant's Exhibit H was  
5 marked for purposes of identification.

6 - - -

7 A I have seen this document.

8 By Mr. Bernhart:

9 Q Is this what you you've referred to as  
10 the receipt that was left at your house?

11 A This is the one that was left at the  
12 house, uh-huh.

13 Q This is a document that's labeled on the  
14 first page Columbus Division of Police Narcotics  
15 Bureau Evidence Inventory?

16 A Uh-huh.

17 Q Your understanding is that this  
18 identifies the property that was seized from your  
19 house the day of the raid and seizure?

20 A That's my understanding, yeah, uh-huh.

21 Q During the course or in bringing this  
22 lawsuit, you alleged that there are items on that  
23 list that weren't returned to you, correct?

24 A Correct.

1           Q       Is it your understanding Mr. Jagers has  
2       compiled a list of guns that are on that list that he  
3       believes are not on or that weren't returned to you?

4           A       That's correct.

5           Q       Part of your lawsuit is based on that  
6       list that Mr. Jagers created?

7           A       Correct.

8                       - - -

9                       Thereupon, Defendant's Exhibit I was  
10          marked for purposes of identification.

11                      - - -

12          A       Yes, I have seen this list too. I  
13       wasn't really sure what this was.

14       By Mr. Bernhart:

15          Q       You have seen this document prior to  
16       today?

17          A       Uh-huh.

18          Q       And this document identified as Exhibit  
19       I is labeled Meigs County Sheriff's Office Ohio  
20       Uniform Incident Report on the first page; is that  
21       accurate?

22          A       Uh-huh.

23          Q       And this list contains a number of what  
24       appears to be guns and other items along with serial

1 numbers?

2 A Uh-huh.

3 Q Exhibit H, the one you identified  
4 previous to this, the Columbus Division of Police  
5 Narcotics Bureau Evidence Inventory, also contains a  
6 list of guns, ammunition, and other items that you  
7 owned?

8 A Uh-huh

9 MR. PETTEY: Let the record reflect  
10 that Attorney Ball has left the room.

11 Q Mr. Six, Exhibit I that you've  
12 identified, the Meigs County Sheriff's Office Ohio  
13 Uniform Incident Report, you also allege in this  
14 lawsuit that there are guns and property on that list  
15 that were not returned to you, correct?

16 A Well, without going down the list, I  
17 think they basically are the same list. So the guns  
18 that weren't returned are probably on both lists.

19 Q Are you saying that the guns overlap?

20 A It's the same list.

21 Q Okay.

22 A It's the same guns, I think. I haven't,  
23 you know, I haven't gone through it. They're not  
24 even numbered. In fact, some of them, you know, if

1       you look here, what does that -- what's that gun  
2       there? It's just blank. So, you know, I don't know  
3       if that was returned or not. How could you know?

4               Q       There is an allegation in your complaint  
5       there are guns on that list that were not returned to  
6       you.

7               A       Uh-huh.

8               Q       Do you agree with that?

9               A       Yeah. I'm looking through here real  
10      quick.

11              Q       Sure. This may help. Let me ask my  
12      next question: Is it your understanding that Mr.  
13      Jagers created a list of guns that are on that list  
14      but were not returned to you?

15              A       Right. Yeah.

16              Q       You attach to your complaint both of  
17      these lists created by Mr. --

18              A       Those two lists, yeah, now I'm with you.  
19      I'm up to speed now.

20              Q       One of those lists are guns he  
21      identifies are on the Columbus Division of Police  
22      Narcotics Inventory List that weren't returned to you  
23      and another list is alleged to be guns that are on  
24      the Meigs County Sheriff's Office Ohio Uniform



1 Incident Report that were not returned to you,  
2 correct?

3 A Yeah, his list.

4 Q His list?

5 A Uh-huh.

6 Q And those are attached to your complaint  
7 as property that's missing?

8 A Well, with my notations because some of  
9 them were returned.

10 Q During the course of this litigation,  
11 you've identified a number of guns on both of those  
12 lists created by Mr. Jagers that were returned to  
13 you, correct?

14 A That were returned, yes.

15 Q So Mr. Jagers' lists aren't entirely  
16 accurate?

17 A I think that's fair to say. But it's a  
18 big list. There's mistakes on all these lists.  
19 That's the point of having record books.

20 - - -

21 Thereupon, Defendant's Exhibit J was  
22 marked for purposes of identification.

23 - - -

24

1 By Mr. Bernhart:

2 Q I'll ask you to review this list,  
3 specifically the final page of Exhibit J.

4 A Uh-huh, I looked at the final page.

5 Q Is that your signature?

6 A That's my signature.

7 Q Do you recognize this document?

8 A Uh-huh. I remember signing it that  
9 glorious day.

10 Q So Exhibit J is the document that you  
11 signed at the sheriff's office. It was created that  
12 day when the property was being returned to you and  
13 you signed prior to leaving that day?

14 A Uh-huh.

15 Q This signature under your signature, do  
16 you recognize that signature right underneath yours?

17 A That has to be Steve Jagers. He and I  
18 signed it. Linda Taylor, she must have been the girl  
19 there. I see her name there.

20 Q Underneath your and Steve Jagers'  
21 signatures are names. Read those names.

22 A Ricky Smith, Adam Smith, Linda Taylor.

23 Q Do you know Ricky Smith?

24 A No.

1           Q       Do you believe these signatures were  
2       obtained from the people that were there at the  
3       sheriff's office that day returning the guns to you?

4           A       I have no reason, you know.

5           Q       Do you have any reason to dispute that  
6       statement?

7           A       No. It kind of looks like the same  
8       person did all three signatures. Maybe they just  
9       have similar handwriting. It looks like the same  
10      person signed all three.

11          Q       I didn't mean to talk over you there.

12          A       The way "Smith" is written, you know,  
13      that looks -- that's a minor point. But it looks  
14      like the same person that wrote "Smith" wrote "Smith"  
15      there, doesn't it?

16          Q       You are not allowed to ask me questions.

17                    You have testified that there were a  
18      number of law enforcement officers present when the  
19      guns were returned to you. One of those law  
20      enforcement officers is in this room today. You have  
21      pointed him out as being Adam Smith, Deputy Adam  
22      Smith.

23          A       Yeah.

24          Q       You testified that there was a female

1 from the prosecutor's office there. Do you have any  
2 reason to dispute Linda Taylor is that individual?

3 A That's -- I'm assuming it was her. She  
4 didn't introduce herself that day.

5 Q The first page of this document, very  
6 top of the first page of Exhibit J states Robert Six.  
7 It has your name there in a box.

8 A Uh-huh.

9 Q Without looking at every page of this,  
10 does this identify the property that was returned to  
11 you that day?

12 A Yeah. There were a couple ones like  
13 "unknown pistol," stuff like that makes it a little  
14 tough.

15 Q But you recognize the --

16 A Yeah.

17 Q -- the guns and other items contained on  
18 those pages?

19 A Uh-huh.

20 - - -

21 Thereupon, Defendant's Exhibit K was  
22 marked for purposes of identification.

23 - - -

24

1 By Mr. Bernhart:

2 Q Have you had a moment to review Exhibit  
3 K?

4 A Yeah. I was looking here. I don't see  
5 the money anywhere.

6 Q That is the reason I asked you earlier  
7 whether you signed a separate document for cash.  
8 What is this document here that is identified as  
9 Exhibit K?

10 A It looks like a receipt for the money  
11 that was returned.

12 Q The money that we've talked about?

13 A Uh-huh. They didn't keep any money.

14 Q In the middle of this receipt, correct  
15 me if I'm wrong, but it states "Released to" and I  
16 believe that's your signature --

17 A Uh-huh.

18 Q -- on 4-11-11?

19 A Uh-huh.

20 MR. PETTEY: Robert, try to give yes  
21 or no.

22 A I'm sorry.

23 Q That was one of the instructions at the  
24 beginning. It's been a long day.

1           A       Yeah. I'm wearing down a little.

2                   I can't really read who that was, but I  
3 think it was Adam that gave me the money back, if  
4 memory serves.

5           Q       You don't dispute that the money was  
6 given back to you?

7           A       No, no. He reminded me of it, in fact.

8                               - - -

9                   Thereupon, Defendant's Exhibit L was  
10 marked for purposes of identification.

11                               - - -

12       By Mr. Bernhart:

13           Q       Mr. Six, have you seen this document  
14 before?

15           A       Uh-huh.

16           Q       What is this document?

17           A       These are the guns missing from the  
18 narcotics bureau list.

19           Q       From exhibit?

20           A       H.

21           Q       The Columbus Division of Police  
22 Narcotics Evidence --

23           A       It says NB.

24           Q       Do you know who created this list?

1           A       Yeah, Jagers.

2           Q       Is that a list he created that day?

3           A       No, no. It seems to me that it was  
4       probably six or eight weeks later before, you know.  
5       He said that day that it would be a while, but he  
6       would send Jeffery the report and then Jeffery was  
7       going to forward me a copy of it.

8           Q       Did you ask Mr. Jagers to compare the  
9       inventory lists --

10          A       I didn't.

11          Q       -- and create this document?

12          A       No. No, I didn't ask him anything.

13          Q       Did Mr. Jagers just volunteer to compare  
14       the inventory lists and provide you with this list?

15          A       I don't know if "volunteer" is the right  
16       word, but I think that was his job. That's why he  
17       was there.

18          Q       That was your understanding, he was to  
19       oversee the operation?

20          A       Oversee it and report back to the judge.

21          Q       If there were any guns that he believed  
22       were missing?

23          A       Uh-huh.

24          Q       And you've attached this document to

1 your complaint, correct, to this federal lawsuit?

2 MR. PETTEY: Well, if you know. You  
3 can -- if you don't remember what's attached to the  
4 complaint, you can tell him you don't remember.

5 THE WITNESS: The list is attached  
6 with my corrections. I think you gave him a copy  
7 today, didn't you?

8 MR. PETTEY: They are talking about  
9 the original complaint that was filed in the case  
10 originally, way back when we first started the case.

11 THE WITNESS: Oh, gosh, I don't know.  
12 By Mr. Bernhart:

13 Q Let me ask it a different way, Mr. Six.  
14 In your complaint you make an allegation, several  
15 allegations, one of which is that there are guns  
16 contained on the Columbus Division of Police  
17 Narcotics Bureau Evidence inventory list, which is  
18 identified as Exhibit H, that are not -- that were  
19 not returned to you, correct?

20 A Correct.

21 Q And this list identified as Exhibit L  
22 are those guns, correct?

23 A Yeah, uh-huh.

24

- - -



1                   Thereupon, Defendant's Exhibit M was  
2                   marked for purposes of identification.

3   - - -

4       By Mr. Bernhart:

5                   Q       Do you recognize Exhibit M?

6                   A       Uh-huh.

7                   Q       What is Exhibit M?

8                   A       This is the other list that Jagers sent.  
9       It's a list of guns that were missing.

10                  Q       This states "Missing guns from Meigs  
11       S.O. list."

12                  A       Sheriff's office.

13                  Q       Is the Meigs S.O. list, do you think  
14       that to be Exhibit I?

15                  A       That was the one that --

16                  Q       Meigs County Sheriff's Office Ohio  
17       Uniform Incident Report, this one, Exhibit I.

18                  A       Uh-huh.

19                  Q       Yes?

20                  A       Yes.

21                  Q       So is it your understanding that Mr.  
22       Jagers went through Exhibits I -- I'm sorry, Exhibits  
23       H and I, compared those to Exhibit J and created  
24       these lists?

1           A       That would be my understanding, yes.

2           Q       In other words, he went through the  
3       intake inventory list, compared that to the return  
4       inventory list and created a list of guns that don't  
5       match up?

6           A       Right. The list of missing, what he saw  
7       as not having been returned.

8           Q       I want you to keep exhibits L and M, the  
9       two. You got those in front of you?

10          A       Uh-huh.

11          Q       You have alluded to this already, but  
12       during the course of this litigation, you were served  
13       with what we refer to as interrogatories and request  
14       for production of documents. Do you recall working  
15       with your attorney on completing that?

16          A       Uh-huh.

17          Q       In your response to, at least one  
18       interrogatory, you acknowledge some of the guns that  
19       are contained on Exhibits L and M were in fact  
20       returned to you --

21          A       Yes.

22          Q       -- correct?

23          A       Correct.

24

- - -

1                   Thereupon, Defendant's Exhibit N was  
2                   marked for purposes of identification.

3   - - -

4           By Mr. Bernhart:

5                   Q       I'm going to hand you Exhibit N. Mr.  
6                   Six, I will direct your attention to Interrogatory  
7                   No. 15. I apologize. The pages weren't numbered,  
8                   but it's about midway through the packet.

9                   A       Okay.

10                  Q       And in response to Interrogatory No. 15,  
11                  you identify a number of guns from Exhibit L and  
12                  Exhibit M, the Columbus Police Department Narcotics  
13                  Bureau Evidence list and the Meigs County Sheriff's  
14                  Office list, and acknowledge that certain guns were  
15                  returned to you --

16                  A       Uh-huh.

17                  Q       -- correct?

18                  A       Yes.

19                  Q       That's what we just talked about?

20                  A       Uh-huh.

21                  Q       For ease of reference now that you  
22                  acknowledge those guns were returned, I would like to  
23                  go through Exhibits L and M and cross off those guns  
24                  that you acknowledge have been returned. So let's

1 start with Exhibit L Missing Guns from NB List. You  
2 indicated that an unknown handgun at the very top was  
3 returned to you, correct?

4 A Well, if you look at that, there's  
5 something wrong. The unknown handgun doesn't have a  
6 serial number. This serial number is for a  
7 Remington.

8 Q Okay.

9 A What we're looking at here, it says Row  
10 8, unknown handgun. That's the serial number of the  
11 Remington. So there is something wrong here.

12 Q If you look at your interrogatory  
13 response right underneath there, you also acknowledge  
14 that a Remington was returned to you, correct?

15 A There was a Remington returned and two  
16 that were not returned. I don't have the serial  
17 numbers.

18 Q If we look at Exhibit L, you acknowledge  
19 there is an unknown handgun from that list returned  
20 to you, and that's the only unknown handgun on this  
21 list?

22 A It is. But it could not have been  
23 serial number 180559. That would -- well, then, see,  
24 then there's another mistake right below that.

1       Somebody has moved all the serial numbers one notch.

2       Check it out. Look at the serial numbers here.

3       They've moved all the serial numbers down one notch.

4               Q       Okay. So not looking at the serial  
5       numbers, just looking at the names of the guns and  
6       the row that they are contained in the initial  
7       narcotics bureau inventory list, you have  
8       acknowledged that the unknown handgun was returned,  
9       the Remington .22 was returned, the Springfield 1884  
10      was returned, the PW Arms 308 was returned, the HH  
11      Pistol Bulwark was returned, and the Bauer pistol was  
12      returned.

13             A       Uh-huh.

14             Q       Is that accurate?

15             A       That's accurate.

16             Q       So those guns have been returned to you?

17             A       See how easy it is to get records messed  
18      up, something like that, the serial numbers.

19             Q       Mr. Six, I would like you to now turn  
20      your attention, keeping Exhibit L in front of you,  
21      pull out Exhibit J for ease of reference. For this  
22      exercise it may be best to start from the bottom of  
23      this list.

24             A       The bottom would be an AG pistol.

1 Q AG pistol serial number 1954?

2 A Uh-huh.

3 Q There is a row associated with it 82A?

4 A Uh-huh.

5 Q Exhibit J, and I apologize, on Exhibit J  
6 some of the pages are out of order, but the pages are  
7 marked at the bottom. I would like you to turn to  
8 Page 615. It's the second page from the last.

9 A Okay.

10 Q Now, in the middle of this page, we can  
11 track it on the left-hand side where it has item  
12 number, the identity of the weapon and the serial  
13 number.

14 A Uh-huh.

15 Q There is an AG pistol with serial 1954  
16 on it, correct?

17 A No. Mine says -- sorry. I had more  
18 than one AG pistol.

19 MR. PETTEY: If I might add something  
20 to expedite things. I apologize for interrupting. I  
21 noticed something that I believe to be an error in my  
22 client's testimony earlier or perhaps an assumption  
23 that he wasn't sure of.

24 MR. BERNHART: I don't want you to

1 sit here and testify for your client.

2 MR. PETTEY: I understand. But I  
3 think we're going -- we might be engaging in an  
4 exercise here that's meaningless. If I can go off  
5 the record and talk to you about it if you would like  
6 to do that.

7 MR. CONOMY: I would prefer to do it  
8 this way.

9 MR. BERNHART: We can go off the  
10 record.

11 - - -

12 Recess taken.

13 - - -

14 MR. PETTEY: We've had a break and  
15 counsel have conferred. Plaintiffs are willing to  
16 stipulate that some of the weapons, the descriptions  
17 of the weapons that appear on Exhibits L and M are  
18 the same as the descriptions that appear on Exhibit  
19 J.

20 MR. BERNHART: Okay. Thank you,  
21 counsel.

22 By Mr. Bernhart:

23 Q Mr. Six, in addition to the guns that  
24 are included in Exhibits L and M, the two lists

1 created by Mr. Jagers --

2 A Okay.

3 Q -- in addition to the guns that are  
4 identified on this list, you've also alleged that  
5 there were additional guns that were seized from your  
6 residence and that have not been returned to you,  
7 correct?

8 A Correct.

9 Q And of those guns, you allege that they  
10 were not on any inventory list created at the scene  
11 or created at the sheriff's office, the inventory  
12 lists that we've already talked about today, correct?

13 A Correct.

14 Q And those guns are not included on the  
15 return inventory list identified as Exhibit J --

16 A That's correct.

17 Q -- correct?

18 During discovery in this lawsuit, I  
19 asked you to provide evidence that you own these  
20 guns. Do you recall receiving that discovery  
21 request? Do you need clarification?

22 MR. PETTEY: If you remember what  
23 they say, you can testify. If you don't remember  
24 what the discovery request said, you can say you



1 don't remember.

2 A You asked for a list of the guns that  
3 were taken that weren't listed anyplace else?

4 Q Let me ask it a different way, Mr. Six.  
5 Through interrogatories and requests for documents, I  
6 asked you to -- I asked you for evidence that you  
7 owned these guns that you maintain had been taken  
8 from your residence and that were not returned,  
9 correct?

10 A Correct, yeah.

11 - - -

12 Thereupon, Defendant's Exhibit O was  
13 marked for purposes of identification.

14 - - -

15 By Mr. Bernhart:

16 Q Before we get to the exhibit, let me ask  
17 you another question. During the course of this  
18 litigation, you have compiled a list or did you  
19 compile a list identifying all of the guns that you  
20 believe were taken from your residence and not  
21 returned?

22 A Yes.

23 Q Now look at Exhibit O, if you don't  
24 mind.

1 A Got it.

2 Q Do you recognize this document?

3 A Yes.

4 Q What is this document?

5 A This is a list of the guns that were --  
6 that are missing from my collection.

7 Q Are any of the guns that were identified  
8 in the two lists created by Steve Jagers, Exhibits L  
9 and M, are any of those guns included on this list,  
10 Exhibit O?

11 A No.

12 Q So Exhibit O, is it your contention all  
13 of these guns are guns that were seized at the  
14 residence, your residence, and not placed onto an  
15 inventory list and not returned to you?

16 A Correct.

17 Q Now, to get back to the question I had  
18 about whether I asked you to produce evidence that  
19 you owned these guns, do you recall receiving that  
20 request?

21 A Uh-huh.

22 Q And do you recall responding to it?

23 A Yes.

24 Q You produced a number of documents in

1       this case to me, including purchase orders, receipts,  
2       and other various documents that evidenced that you  
3       had purchased the guns contained on this list; is  
4       that accurate?

5               A       Uh-huh.

6               Q       Those evidence that at one time you  
7       owned these guns, correct?

8               A       Uh-huh.

9               Q       Correct?

10              A       Correct. Yes.

11              Q       Some of those guns are contained in  
12       logbooks that you have produced in this lawsuit,  
13       correct, that show you had purchased the guns at one  
14       point?

15              A       Yes.

16              Q       Do you have any evidence that these guns  
17       were at your residence at the time of the seizure,  
18       the search and seizure by the officers on August 5,  
19       2009?

20              A       Well, by their paperwork, they seized  
21       300 weapons. By their paperwork they returned 211.

22              Q       But it's my understanding that the guns  
23       contained on Exhibit O were never included in their  
24       paperwork?

1           A       Right. Other than their count. They  
2       said in more than one place that they seized  
3       approximately 300 weapons.

4           Q       Let me refer you back to Exhibit H. Mr.  
5       Six, we've discussed at length Exhibit H, and it's  
6       your understanding this was the inventory list  
7       created at your residence that day?

8           A       (Witness nods affirmatively).

9           Q       Is it your contention that guns that are  
10      contained in Exhibit O are also contained in Exhibit  
11      H?

12          A       No.

13          Q       It's your position that they're not  
14      contained in Exhibit H?

15          A       Yes.

16          Q       It's your contention these guns in  
17      Exhibit O are documented nowhere, correct?

18          A       Other than my records.

19          Q       Right. Do you want to go back to my  
20      question, initial question was: Do you have any  
21      evidence that these guns contained in Exhibit O were  
22      physically at your residence on August 5, 2009?

23          A       Not other than their count.

24          Q       Whose count?

1           A       The sheriff's count, and Josh Shields  
2       also in interrogatories, he said he participated in  
3       taking the 300 firearms from my house.

4           Q       Have you found the firearms in Exhibit  
5       H? There's 221?

6           A       Yes.

7           Q       That's your contention?

8           A       Yes, or 211. It's getting a little  
9       foggy. 211 or 221.

10          Q       Where is this document that you  
11       testified to that states that 300 weapons were taken?

12          A       It's on the indictment from Meigs  
13       County, and it's in Josh Shields' interrogatories  
14       that we requested.

15          Q       Isn't it true that the indictment states  
16       there were approximately 300 guns?

17          A       Right.

18          Q       So it doesn't give a definitive number?

19          A       No, it doesn't. In fact, 221 and, you  
20       know, 75 and then the other 20 exceed 300. So like  
21       the judge said in one document, he said that he  
22       couldn't tell if there was 275 or 325 based upon  
23       their paperwork.

24          Q       Is the paperwork you're describing today

1 Exhibit H and Exhibit I, which are the two inventory  
2 lists we discussed at length documenting the weapons  
3 that were seized from your house?

4 MR. PETTEY: I don't know if that  
5 calls for speculation. I don't know if he knows what  
6 the judge was referring to when the judge made that  
7 statement.

8 Q Okay.

9 MR. CONOMY: Let's have him testify  
10 about that then.

11 Q Mr. Six, you testified that there's some  
12 documentation out there that 300 guns were seized  
13 from your house, and I asked you where that  
14 documentation is and you testified that --

15 A It's on the indictment.

16 Q Okay.

17 A And it's in Josh Shields'  
18 interrogatories.

19 Q And that indictment said there were  
20 approximately 300 guns taken from your residence,  
21 correct?

22 A Yes.

23 Q Doesn't give a definitive number?

24 A Does not. But it was definitely more

1       than the 221 they returned. They wouldn't miscount  
2       it that much.

3               Q       That's your belief?

4               A       That is my belief. They were still  
5       loading stuff up when they took me away.

6               Q       Besides the documents that you've  
7       referred to, the indictment and Josh Shields'  
8       responses to interrogatories, do you have any other  
9       evidence that the guns contained on Exhibit O were  
10      physically at your residence on August 5, 2009?

11              A       My logbooks. You know, I don't have a  
12      photograph of them that day. I'm not really sure  
13      exactly what we count as evidence.

14              Q       The logbooks certainly do detail that at  
15      one time you purchased some, if not all, of these  
16      guns.

17              A       And the receipts.

18              Q       Okay. Is there anything besides the  
19      logbooks, the receipts, the purchase orders or any  
20      other documents that you've provided to me that  
21      evidence that -- would prove that these weapons were  
22      physically at your residence and on your property on  
23      August 5, 2009?

24              A       I couldn't think of what it would be.

1           Q     Mr. Six, take a look at Exhibit O,  
2     please. In addition to the description of the  
3     weapon, the caliber of that weapon and the serial  
4     number, there's a fourth column which has dollar  
5     figures --

6           A     Uh-huh.

7           Q     -- associated with each items. Do you  
8     see that?

9           A     Yes.

10          Q     Did you create those, or did you  
11     associate those dollar amounts with each weapon?

12          A     Yes.

13          Q     What is that based upon?

14          A     The Blue Book from 2009. That's when  
15     the guns were taken. That was correct then.

16          Q     Is it just called the Blue Book?

17          A     Yeah, Blue Book of Gun Values, yeah.

18          Q     2009 edition?

19          A     Uh-huh.

20          Q     Does that Blue Book have a range of  
21     value based upon the condition of the gun?

22          A     It does.

23          Q     How have you come up with these numbers?

24          A     Well, for the most part, as a collector,



1 I wanted to have the nicer guns and not the junk  
2 ones. So this would be the 90, 95 or 100 percent  
3 categories, the upper end as far as condition goes.  
4 Because I'm a collector, I would only had the nicer  
5 guns. There would be a few exceptions.

6 Q Did you note those exceptions on here,  
7 or are all of these values in the 90 percent to a  
8 hundred percent range based on condition?

9 A To the best of my memory, these would  
10 all be the 90, 95, 100 percent condition.

11 Q Take a look book at Exhibit L and M, the  
12 two lists created by Steve Jagers.

13 A Here we go. Got it.

14 Q During the course of this litigation,  
15 you have offered values associated with each of these  
16 weapons, correct? I know they're not included on  
17 Exhibits L and M, but I have seen a document that has  
18 dollar figures next to each of these guns. Is that  
19 something you created, sir?

20 A It would have been, but I'm not sure  
21 that I did. Did I put -- I'm not sure that I did  
22 that. We were talking about that yesterday. In  
23 fact --

24 Q If you remember, you remember.

1           A       I don't remember. It came to me  
2 actually yesterday, it occurred to me that I hadn't  
3 assigned a value to these guns.

4           Q       If you were to assign values to these  
5 guns today, would you use the same method that you  
6 assigned the values in Exhibit O?

7           A       For the most part I would.

8           Q       So you would go to the Blue Book of Gun  
9 Values?

10          A       And look up the 90, 95, 100 percent  
11 category and look up the value and assign it that  
12 way.

13          Q       Do you have any evidence that all of  
14 these guns, whether they be contained in Exhibit O,  
15 Exhibit L or Exhibit M, other than your own belief  
16 that they were -- should be valued in the 90 to a  
17 hundred percent range, do you have any other evidence  
18 that they are in fact worth that amount?

19          A       Other than what's in the Blue Book?

20          Q       I'm sorry. Not worth that amount, but  
21 that they were in the condition that would place them  
22 in that 90 to 100 percent value?

23          A       Just -- well, just it was my collection  
24 and in my opinion they were in -- okay. Maybe I can

1 help. In front of the Blue Book it tells you how to  
2 grade a weapon. It tells you what the points off  
3 are. And going by what's in the front of the Blue  
4 Book is how I arrived at the condition grading.

5 Q If you received a gun that had a serial  
6 number altered on it, visibly altered, would that  
7 decrease the value of the gun?

8 A You have to turn those over to the feds,  
9 yes.

10 Q Did you possess any guns that have  
11 serial numbers that appeared altered on their face?

12 A I had what they called some over stamps,  
13 but that's not the same as an altered serial number.

14 Q What does that mean?

15 A An over stamp generally means it would  
16 have been reissued in the military and the military  
17 would assign a different number to it than it did the  
18 first time, an over stamp. In that case, usually you  
19 can read both serial numbers and you just go ahead  
20 and record both serial numbers.

21 Q The one serial number would be on top of  
22 the other?

23 A Or right next to it and maybe one will  
24 have a line through it. There's different ways to do

1 it, but some guns will be reserialized.

2 Q Is the entire serial number changed, or  
3 is it just one number?

4 A Sometimes it will be one number, and  
5 sometimes it will be the whole number. There's  
6 really no one size fits all. A lot of my guns were  
7 European.

8 Europeans don't have a one-size-fits-all  
9 policy when they go from country to country.  
10 Germans were notorious for adding serial numbers.  
11 For example, between World War I and II, they  
12 reissued World War I guns in World War II and  
13 assigned them new numbers.

14 Q Mr. Six, I'm going to hand you a  
15 document that I received today from your attorney and  
16 ask that it be P.

17 - - -

18 Thereupon, Defendant's Exhibit P was  
19 marked for purposes of identification.

20 - - -

21 By Mr. Bernhart:

22 Q I handed you a document that's been  
23 marked Exhibit P, as in Paul. Mr. Six, have you seen  
24 this document?

1           A       I wrote it.

2           Q       When did you write this document?

3           A       Yesterday.

4           Q       Does this document reiterate, if we look  
5 back at Exhibits L and M, the lists created by  
6 Jagers, are you simply including the guns that he  
7 alleged were missing?

8           A       No. Actually what I failed to do was to  
9 list the guns on these lists that were returned. All  
10 I listed here were the ones that are still missing  
11 off of these two lists (indicating).

12          Q       The guns that are on Exhibit P, those  
13 guns are also contained on Exhibits L and M, correct?

14          A       Right. But there are more on L and M  
15 than mine because I got some of these back.

16          Q       You have reduced the number of -- based  
17 upon -- we have gone through the interrogatories.  
18 Response to Interrogatory No. 15 where you have  
19 acknowledged some of the guns on Exhibits L and M  
20 were returned --

21          A       Uh-huh.

22          Q       -- does Exhibit P simply reflect that?

23          A       Reflects that, yes.

24          Q       Got it.

1                   Is Exhibit P an extension of Exhibit O?

2           A       Yes, it is. O is a list of guns that  
3       were missing that aren't listed anywhere, and P is a  
4       list of guns that are missing that are listed on  
5       Jagers' lists.

6           Q       I will note for the record Exhibit O  
7       contains values of guns, Exhibit P does not.

8           A       Does not, yeah. I can look those up and  
9       assign values.

10          Q       If I were to go to the Blue Book of --

11          A       Gun Values.

12          Q       -- of Gun Values 2009 version and assign  
13       each of these guns a value in the range of 90 to 100  
14       percent, is that what you would do?

15          A       Yeah, I think so. Let me see if I can  
16       jog my memory here real quick and see if there's any  
17       here that would be less.

18                   Yeah, I would say that based upon the  
19       best of my recollection from looking at them four  
20       years ago.

21          Q       Do you have pictures of each of the guns  
22       contained on Exhibits O and P?

23          A       No.

24          Q       Do you have pictures of some of those

1 guns?

2 A Just what was in discovery.

3 Q You provided me a handful perhaps, less  
4 than five pictures of guns.

5 A That's it. They took them. I never  
6 photographed my guns.

7 Q It's your contention that those pictures  
8 were taken by somebody other than yourself?

9 A Yeah. Yeah, they took them. Adam, I  
10 think, is in a couple where they were holding them  
11 back up in my room the day they were taking them.  
12 All you can see in the picture is the gun. You can't  
13 see serial numbers or nothing.

14 Q So there would be no way of associating  
15 the gun that's in the pictures with these guns on  
16 Exhibits O and P?

17 A There might be. It depends on what the  
18 picture was. I mean, if it was -- a lot of my guns  
19 were like I have a collection of Enfields. There's  
20 model 3, model 4. I had several of each model.  
21 Okay. If they're standing there holding up a model  
22 4, which one is it? If I owned four model 4's, you  
23 really couldn't say.

24 Q Without looking at the serial number?

1           A       Without looking at the serial number.

2           Q       I understand.

3                    Had you ever had a, quote, unquote,  
4 expert on gun valuation come in and value your gun  
5 collection?

6           A       I used to do that myself. Not an  
7 outside expert. I took them to shows and got other  
8 opinions, but not to my house. I didn't really want  
9 people to know I had them.

10          Q       Those opinions given at gun shows were  
11 verbal opinions?

12          A       Oh, yeah. I never had a written  
13 appraisal gone. I used to do estate appraisals  
14 myself.

15          Q       When was that?

16          A       Back in the seventies.

17          Q       Were you paid to do that?

18          A       Yeah.

19          Q       And you appraised weaponry?

20          A       Estate collections. Generally somebody  
21 dies and relatives have me come in and do an  
22 appraisal, arrange an auction.

23          Q       Have you done that since the seventies?

24          A       Maybe just as a favor but not



1 professionally. I have done it a couple times.

2 Q Have you ever testified in court or any  
3 other proceeding as an expert witness on gun  
4 valuation?

5 A No. Maybe to an insurance agent. I  
6 think I did talk -- it wasn't in court, though.

7 Q Part of an appraisal process?

8 A Yeah.

9 Q In addition to the guns that are  
10 contained on Exhibits O and P, you've also identified  
11 an antique deer foot knife Austrian in origin.

12 A Yes.

13 Q Is it your contention that knife was  
14 seized from the residence, not inventoried and not  
15 returned to you?

16 A That's correct.

17 Q Do you have any evidence that the deer  
18 foot knife was physically present at your house on  
19 September 5, 2009?

20 A That one was an antique, and I had a  
21 brand new one on my shelf that was on display and the  
22 new one is still there.

23 Q Other than your testimony, is there  
24 anything that would corroborate --

1           A       My wife could say. She could say, yes,  
2       he had that knife. It was a pretty big deal to us.  
3       It wasn't worth a lot of money, but they're rare.

4           Q       What do you estimate the value of that  
5       knife to be?

6           A       \$200.

7           Q       What do you base that on?

8           A       Replacing it. I priced them at a couple  
9       knife shows I have been to, and that's about the best  
10      price I can find on one. That's been a while. It  
11      would be tough to find one now at any price.

12          Q       You allege that a number of items that  
13      were taken from your residence were damaged, items  
14      that were taken at the residence and had been  
15      returned to you were damaged while they were in  
16      possession of the Meigs County Sheriff's Office.  
17      What in particular do you believe was damaged?

18          A       A lot of gunstocks were damaged because  
19      the evidence tag that they used was a sticky back  
20      tag, and they would wrap it around the stock and  
21      write the description on there, and then it sat that  
22      way for a year and a half. So when it came back, it  
23      was nearly impossible to get those tags off without  
24      taking the finish off the wood, which caused me to

1 have to have the wood on most of them refinished.

2 Q What was the cost of having that done?

3 A I did it myself. I do restoration, but  
4 it was a lot of time. I had to buy some supplies and  
5 so forth.

6 Q Would the cost of those supplies be  
7 under a hundred dollars?

8 A Yes, I would say under a hundred  
9 dollars. To have somebody do it for me, probably  
10 would have charged about a hundred per gun.

11 Q Were the evidence tags on the items when  
12 they were returned to you?

13 A Yes.

14 Q What did you do with those evidence  
15 tags?

16 A Just threw them in the trash, most of  
17 them. Might be one or two left. I just wanted, you  
18 know, out of sight, out of mind.

19 Q Did you ever compare those evidence tags  
20 with any of the inventory lists?

21 A No, I can't say that I did. They had  
22 the serial number on the tag, and we looked at that  
23 with the gun, you know. As far as taking these lists  
24 out, when I came home the next day from -- I brought

1 the guns home on the 11th. The only paperwork I had  
2 was the receipt they left at the house. So, you  
3 know, I didn't do a comparison there. These other  
4 lists here didn't have any copies, not Jagers' lists  
5 or the sheriff's or anybody.

6 Q But it's your testimony that you did not  
7 compare the evidence tags on the items with Exhibit  
8 H, which is the evidence list that you have testified  
9 to having in your possession?

10 A Not until I went through the guns, wrote  
11 all the numbers down myself and then looked.

12 Q So you created a document where you  
13 physically wrote down gun numbers, serial numbers?

14 A (Witness nods affirmatively).

15 Q Do you still have that document?

16 A Possibly.

17 Q I'll ask you to look for that document  
18 and provide it to your counsel if you have not  
19 already.

20 A It's just a note pad, you know. It's  
21 nothing -- mostly notes to myself, I would imagine.  
22 The serial numbers would be there.

23 Q In either event, I would like to see  
24 that document if it still exists.

1           A       That would pretty much be the same as  
2       the list that you just printed out there.

3           Q       A list from the federal firearms logbook  
4       that you maintain?

5           A       Yeah.

6           Q       During discovery you produce a federal  
7       firearms logbook, correct?

8           A       (Witness nods affirmatively).

9           Q       Yes?

10          A       Yes.

11          Q       That logbook contains at the very least  
12       guns that were returned to you from the sheriff's  
13       office, correct?

14          A       Correct.

15          Q       Did you go through the physical guns  
16       themselves and look at their serial numbers in  
17       creating that list?

18          A       Yes, that's what I am talking about.  
19       Wrote them in a notebook and then wrote them into the  
20       logbook.

21          Q       So there is no dispute that on the list  
22       that you provided in discovery are guns that you had  
23       in your possession after April 11, 2011?

24          A       Yes.

1

2 Discussion held off the record.

3 10/10/10 10/10/10 10/10/10

4           Thereupon, Defendant's Exhibit Q was  
5           marked for purposes of identification.

6

7 By Mr. Bernhart:

8           Q       Mr. Six, I am handing you a document  
9       that's been marked as Exhibit Q. Do you recognize  
10   that document?

11                      A        Yes.

12 Q Is that one of the federal firearms logs  
13 that you have produced in discovery in this case?

14                    A       Yes.

15 Q Is that one of the federal firearms logs  
16 that you described as containing all of the guns --  
17 containing guns that were in your possession after  
18 April 11, 2011?

19                                    A        Yes.

20 Q And the second page of that logbook  
21 contains a receipt. Is that intended to be part of  
22 the logbook?

23           A       Ultimately these are guns I did have to  
24       log off.

1           Q       Does that logbook contain guns that  
2       you've acquired since April 11, 2011?

3           A       Yes. Yes. The ones that I got from the  
4       sheriff's office say MCSO, Meigs County Sheriff's  
5       Office, then all these dittos.

6           Q       Okay.

7           A       And then if I acquired them somewhere  
8       else --

9           Q       It would be so identified on there?

10          A       Yeah, it would be identified they came  
11       from someplace else.

12          Q       When did you create that list?

13          A       Right after -- probably the day after I  
14       got them home I wrote them in my note pad.

15          Q       Let me ask you another question.

16          A       Okay.

17          Q       Those firearms logbooks require you to  
18       note when guns are out of your possession, correct?

19          A       Yeah, when I sell one.

20          Q       You created that logbook because those  
21       came back into your possession?

22          A       Correct.

23          Q       I think you testified already today that  
24       you never noted in any logbooks when the guns were

1 seized --

2 A Oh, yeah.

3 Q -- and were out of your possession?

4 A No. The old logbooks, I just noted in  
5 the front, you know, and told -- and told the ATF  
6 that when the sheriff came and took all my guns, that  
7 as of that day, they were all logged off to him.

8 Q That was just done recently, correct?

9 A Yeah.

10 Q At the time back in 2009, you didn't  
11 create any notation in your logbooks that the guns  
12 were out of your possession?

13 A I didn't have any logbooks until -- they  
14 didn't give them back to me until August, July or  
15 August of 2010.

16 Q Was it noted in any other logbooks?

17 A I didn't have any other logbooks.

18 Q Could you have gone and got a new  
19 logbook?

20 A I could have got a new logbook, but I  
21 didn't have any to write in there.

22 Q What about when you received the  
23 logbooks back from Matt Donahue, the prosecutor's  
24 office, which I believe you testified was?



1           A       July, August 2010.

2           Q       Right. At that time did you note in the  
3 logbooks that the guns were out of your possession?

4           A       No.

5           Q       Is there a reason that you've noted in a  
6 logbook that the guns have come back in your  
7 possession as opposed to noting it anywhere they were  
8 out of your possession?

9           A       Well, yeah. When I received them, you  
10 have to log in who you receive the guns from. So I  
11 received all these guns from the sheriff's office.  
12 They left me a receipt for them. In essence, that  
13 closed out my books because they took everything.  
14 When I got the guns back, I started a new book and  
15 logged them back in from the sheriff's department.  
16 That satisfied the ATF.

17          Q       In hindsight, should you also not logged  
18 those in other logbooks that they were out of your  
19 possession?

20          A       You know, over a year later when I  
21 finally got them back.

22          Q       Sure.

23          A       The ATF could have shown up any time.

24          Q       And if the ATF would have shown up at

1       your house during that time they were out of your  
2       possession, how would you explain it?

3               A       I would refer them to -- Carson Crow and  
4       I discussed it at length. He was expecting that he  
5       might hear from the ATF.

6               Q       Did the ATF ever go to your residence  
7       during that time frame the guns were out of your  
8       possession?

9               A       No. It was a miracle.

10              Q       I understand the ATF recently paid you a  
11       visit?

12              A       Uh-huh.

13              Q       When was that?

14              A       February 15th, think.

15              Q       Of 2013?

16              A       Yeah.

17              Q       Just this past year?

18              A       Uh-huh. Now, they had -- they came also  
19       the year before in November. They came in 2011.

20              Q       So November of 2011 the guns had already  
21       been returned to you?

22              A       Yeah, the logbooks, everything was cool.  
23       They were happy. They wrote me a clean bill of  
24       health.

1 Q How about in February of this year?

2 A Not so clean.

3 Q Tell me what happened.

4 A Well, they have a copy of my letter that  
5 I recounted the events.

6 Q We will get to that in a moment. Tell  
7 me what happened.

8 A Basically they came up. A little girl  
9 knocked on the door and said she was here for a  
10 compliance inspection, and I said, okay, come on in.  
11 So then she motioned, and the other guys came in  
12 there. There were five of them.

13 Q Five ATF officers?

14 A Yes.

15 Q Did you recognize any of them?

16 A No.

17 Q They weren't the same officers there in  
18 November of 2011?

19 A No.

20 Q Did you have an audit done in 2012?

21 A No, they missed '12. They got '11 and  
22 '13. Missed '12.

23 Q What did you observe them doing while  
24 they were at your residence?

1           A       They pulled out all the guns and  
2       compared them to the record books.

3           Q       Were there any problems found?

4           A       The only problem was some of the guns  
5       that I had sold or traded off, whichever the case  
6       was, usually I deal pretty much with the same people,  
7       the same collectors, but I didn't fill out the  
8       address and so on of where each of them lived, you  
9       know.

10          Q       Are those guns that were sold or traded  
11       off since November of 2011?

12          A       Yeah.

13          Q       So that's why there were no problems  
14       found in the first audit in November of 2011, but  
15       since it's become a problem?

16          A       I've been to a couple gun shows and I  
17       did some trading around, and I hadn't brought my  
18       books up to date. Normally they call and say, we're  
19       going to be out on -- we'll be out Thursday, you  
20       know, and then you hurry up, you know, and catch up  
21       all the paperwork. I don't take a book to a gun  
22       show. The book stays home. You take a notebook to  
23       the gun show and write down the information, so on  
24       and so forth. Then when I get home, I transfer this

1 information into my logbook, and I hadn't done that  
2 yet.

3 Q What is the consequence of not noting  
4 that in your logbook, those transactions, if you  
5 know?

6 A They said, you know, get it done.

7 Q That's it?

8 A Yeah.

9 Q Slap on the wrist?

10 A Well, I mean, you know, you don't want  
11 that to happen. That's the first time it ever  
12 happened.

13 Q Do you anticipate a fine coming?

14 A No.

15 Q Or any --

16 A There is nothing like that.

17 Q No criminal charges coming from  
18 something like that?

19 A No, it was just incomplete logs. I went  
20 through my book and I wrote down the names.

21 Q Is your license in jeopardy because of  
22 their findings?

23 A No, nothing like that. No. If it was a  
24 reoccurring problem, it's likely that would happen.

1           Q       The issues that they discovered there  
2       with the transactions not being noted in the logbook,  
3       that has nothing to do with the underlying -- the  
4       guns being seized back in August of '09 and returned  
5       in 2011?

6           A       No.

7           Q       Nothing to do with this lawsuit?

8           A       Correct.

9           Q       Were any guns seized by the reps?

10          A       They took my Thompson, 1978 Thompson.

11          Q       Why?

12          A       Because I didn't have a registration  
13       form. With an NFA weapon, you get a form from the  
14       ATF, you can compare it to a car title, so they know  
15       you have it and you know you have it. And when they  
16       initially -- of course, they gave me all the guns  
17       back and no paperwork. It was a long time later  
18       before they returned my paperwork, and one piece of  
19       paperwork that they didn't return or one of them was  
20       that registration form.

21                       So when the feds came out, for some  
22       reason they already knew a lot of this stuff.  
23       Somebody had told them that, you know, what I'm  
24       telling you. They already knew this stuff when they

1 got to the house.

2 Q How do you know that?

3 A Well, they said, "Do you still have the  
4 Thompson?" I said, yeah. They said, "We would like  
5 to see it." So I went and got it and brought it out.

6 Q Did she ask you for a registration?

7 A Sure.

8 Q And you didn't have it at the time?

9 A Didn't have it at the time.

10 Q It's your contention that registration  
11 was seized from your residence in August of 2009 and  
12 never returned to you?

13 A Correct.

14 Q Is that registration documented  
15 anywhere?

16 A That's the problem. See, their records,  
17 they couldn't find it in their records either. I can  
18 tell you how that works, but that's not -- that was  
19 registered back in the early seventies.

20 Q Sitting here today, you can't tell me of  
21 any evidence that exists that that registration form,  
22 that you actually had that registration form in  
23 August of 2009?

24 Let me ask it a different way. In

1 August of 2009 did you have the proper registration  
2 form?

3 A Yes, I had the registration form..

4 Q What evidence do you have besides your  
5 own testimony that you possessed that registration  
6 form?

7 A I don't have any.

8 Q There would be no document that exists  
9 anywhere?

10 A No. They didn't have it either. I  
11 filed -- there is paperwork that I had to file to get  
12 a new registration issued and \$200. I posted the  
13 \$200 transfer tax, but whether they will issue it to  
14 me or not remains to be seen. It usually takes 60 to  
15 90 days. It may take longer. I think they may wait  
16 until this proceeding concludes.

17 Q Did you explain to the ATF that the  
18 registration form had been seized and not returned to  
19 you?

20 A Yes.

21 Q Was that the position you took on this  
22 new application?

23 A Yes.

24 Q That's the explanation you have given



1       them?

2               A       That's it.

3               Q       Now it's wait and see?

4               A       Wait and see.

5               Q       What was the value of that gun?

6               A       They valued it at \$22,000.

7               Q       And is it the ATF that issues the  
8 registration, new registration?

9               A       It is.

10              Q       If the ATF does not issue the new  
11 registration, you won't get that gun?

12              A       They keep the gun.

13              Q       Are there any other types of  
14 administrative proceedings that you're aware of that  
15 you can pursue to get that gun back?

16              A       There was -- I had two choices, you can  
17 go to court or file, what do they call that? I  
18 forget what they call it now.

19              Q       Let me ask you a question I may have  
20 already asked you. If I have done so, I apologize.  
21 When you noticed or when did you notice the  
22 registration form had not been returned to you for  
23 this weapon?

24              A       The day I got the gun, it wasn't in the

1 box.

2 Q Did you report to the ATF that day --

3 A No.

4 Q -- or shortly thereafter the  
5 registration form was no longer in your possession?

6 A No, because I didn't get any paperwork  
7 that day. I didn't want to tell them I had a whole  
8 bunch of guns I couldn't prove anything about.

9 Q How about when you did receive the  
10 paperwork back from the prosecutor, did you discover  
11 then the registration form was not included with the  
12 information?

13 A Yes.

14 Q Did you report to the ATF then that you  
15 still did not have the registration?

16 A No, no. I was still hoping that they  
17 would find the rest of my property.

18 Q So the ATF would have viewed it as you  
19 held that weapon or you possessed that weapon  
20 improperly for that entire period of time?

21 MR. PETTEY: Object as to what the  
22 ATF might have believed. It calls for a legal  
23 conclusion and speculation as to what somebody else  
24 might be thinking. You can answer, if you know.

1           A       Well, based on what they said that day,  
2       I didn't have -- I probably should have handled it a  
3       different way, but they understood what I was saying.

4           Q       Were any other weapons seized from your  
5       residence that day?

6           A       No, that was it.

7           Q       Mr. Six, today I was provided by your  
8       attorney some documents related to that ATF search  
9       and seizure and audit of your books. One of those  
10      documents appears to be the forfeiture form, another  
11      document appears to be your appeal --

12          A       Yes.

13          Q       -- for lack of a better word, and a  
14      third is titled Acknowledgment of Firearms  
15      Regulations.

16          A       That was as a result of the compliance  
17      inspection.

18          Q       Is that document indicating your  
19      awareness of the regulations?

20          A       Yes.

21          Q       You were aware that you were required to  
22      maintain the registration for the weapon at issue?

23          A       (Witness nods affirmatively).

24          Q       Yes?

1                   A       Yes.

2                   Q       When do you expect to receive a decision  
3   from ATF?

4                   A       Like I said, normally it takes 60 to 90  
5   days. I won't be surprised if they wait until this  
6   proceeding is over.

7                   Q       Did they indicate they may do that?

8                   A       I asked them if they would, and they  
9   didn't indicate.

10                  Q       What was the disposition of your  
11   criminal case? Is that case still pending?

12                  A       No, that's all a done deal.

13                  Q       You testified earlier that you were  
14   indicted on three charges?

15                  A       Uh-huh.

16                  Q       The three charges were drug possession,  
17   having untagged deer racks, and turkey feathers?

18                  A       Right.

19                  Q       Did you go to trial on those charges?

20                  A       No.

21                  Q       What happened?

22                  A       Basically they put me on two years of  
23   community control with the understanding that if  
24   nothing happened in that two years, the whole

1 business would be tossed or sealed or whatever the  
2 legal term was.

3 MR. PETTEY: I'll note an objection  
4 to the question that it calls for a legal conclusion.  
5 It asks him for an opinion about things that are  
6 already in the record that can be determined from the  
7 documents themselves. You can give your  
8 understanding of what happened, and I'm assuming  
9 that's what you are testifying to now.

10 Q So noted.

11 As part of entering into this probation  
12 or community control that you've described, did you  
13 have to enter a plea on any of the three charges?

14 A Well, pretty much, if I recall  
15 correctly, the animal charges were dismissed, and the  
16 only thing that I had to address was the marijuana  
17 charge.

18 Q Did that stem from -- was it your  
19 understanding that stems from the packages that were  
20 received containing large amounts of marijuana?

21 A Yeah.

22 Q So the charge was drug possession. How  
23 did you plead to that charge?

24 A I offered to plead guilty, but they

1        didn't accept the plea. They put me on this  
2        community control instead, held the plea in abeyance  
3        depending on the outcome of the two years, and then  
4        dismissed or dropped or whatever you would call that.

5                Q        So you did not plead guilty to drug  
6        possession. Did you have to enter any type of plea  
7        to a lesser charge?

8                        MR. PETTEY:        Again, I will note a  
9        continuing objection.

10                Q        If you understand what that means.

11                        MR. PETTEY:        You know, you're asking  
12        him what is already in the record in this case. You  
13        can go ahead and answer to your understanding.

14                A        It's my understanding if I had screwed  
15        up in the two years, I would had to face those  
16        charges.

17                Q        Sure.

18

- - -

19                        Thereupon, Defendant's Exhibit R was  
20        marked for purposes of identification.

21

- - -

22        By Mr. Bernhart:

23                Q        Mr. Six, do you recognize this document?

24                A        Uh-huh, I think -- just a minute now.

1 Let me see.

2 Q Take your time.

3 A Tendered a plea of guilty. Yes, I  
4 offered a guilty plea.

5 Q Does this document help refresh your  
6 recollection as to whether you had entered a plea --

7 A Yes.

8 Q -- to a charge?

9 A That's why I said I had to offer a plea  
10 of guilty, but he didn't really accept it. They held  
11 it in abeyance.

12 Q Look at the third paragraph. This  
13 indicates you offered a plea of guilty to attempted  
14 possession of drugs, correct?

15 A Yes.

16 Q That was different than the underlying  
17 charge?

18 A Yes.

19 Q But still a felony of the fourth degree?

20 A Yes.

21 Q Is that your understanding?

22 A Yes.

23 Q Second page of Exhibit R contains ten  
24 numbers with statements next to them. Does this

1 indicate the conditions of the agreement?

2 A The ten things here, let me read it real  
3 quick.

4 I'm not sure I have seen this.

5 MR. PETTEY: Objection. The document  
6 speaks for itself. To the extent you can answer the  
7 question or have an understanding, you can testify to  
8 that, Robert. Do you understand the conditions of  
9 the agreement?

10 A Yes.

11 Q No. 7, "Defendant is permitted to have  
12 firearms."

13 A Right.

14 Q What is your understanding as to what a  
15 finding of guilty or being found guilty of a felony  
16 would have on your ability to maintain firearms?

17 A It would end it, yeah.

18 Q Is it your understanding that if you  
19 don't complete this community control, that that  
20 guilty plea that was held in abeyance, the court  
21 would actually find you guilty of the charge?

22 A Yeah, that was my understanding.

23 Q Have you been subjected to drug and  
24 alcohol testing since entering this agreement?



1 MR. PETTEY: Objection, relevance,  
2 but you can go ahead and answer.

3 A You know, this is over. The two years  
4 has passed. I've already been released.

5 Q Well, can you turn to the third page of  
6 this agreement. Mr. Crow and Mr. Finley were your  
7 attorneys, correct?

8 A Yes.

9 Q What is the date?

10 A The fourth page was 12-1 2011.

11 Q And the page before that also has that  
12 same date; is that correct?

13 A The page before that doesn't have a date  
14 on my copy.

15 Q Why don't you look at the first page of  
16 Exhibit R, and there is a time stamp to the  
17 right-hand corner.

18 A Uh-huh.

19 Q What is the date there?

20 A December 8, 2011.

21 Q The very first sentence of this states  
22 that the matter came for hearing on the 14th day of  
23 September 2011.

24 A Uh-huh.

1           Q       It's your understanding that you're  
2       subject to two years of community control --

3           A       Well, I was, but they reduced that to a  
4       year. They threw it in after one year.

5           Q       When did that occur?

6           A       Actually I have it out in the car if you  
7       would like to see it.

8           Q       I'd ask you to provide it to your  
9       attorney and we receive a copy of that.

10                   So it's your testimony that the two-year  
11       community control was reduced to one year, and that  
12       it expired a year after this agreement?

13           A       Yes.

14           Q       During the course of this agreement,  
15       which appears to have begun in December of 2011 and  
16       according to you terminated in December of 2012, were  
17       you asked or ordered to take a drug test?

18                   MR. PETTEY:       Again, I'll objection to  
19       that question based on relevance, but you can answer,  
20       if you recall.

21           A       No.

22           Q       Did you fail any drug test during that  
23       period of time?

24           A       No.

1                   MR. PETTEY:       Objection, but you can  
2     answer.

3                 A       No, I didn't fail any drug test.

4                 Q       One last question. I know it's kind of  
5     out of order, but one of your allegations is that a  
6     federal firearms logbook was taken from your  
7     residence and not returned to you, correct?

8                 A       Yes.

9                 Q       It would be correct Exhibits O and P are  
10    the list of guns that you've alleged have been taken  
11    from you and not returned. Are any guns that are  
12    contained on Exhibits O and P listed in that logbook?

13                A       The missing book?

14                Q       Correct.

15                A       I don't think so.

16                Q       So all of the guns on Exhibits O and P  
17    should be in the logbook that was returned to you and  
18    that you've produced to us during this lawsuit?

19                A       I think so.

20                Q       Okay.

21                A       There may be some in the third book, but  
22    I haven't really -- I don't have a third book. I  
23    think these were all in the two books I got back.

24                Q       My question is: If there is a third

1 logbook that you don't have, my question is: How  
2 would you come up with the list of guns you owned?

3 A Good point. If there was any missing  
4 out of Logbook 3, the only way I would be able to  
5 establish those would be if I still had a purchase or  
6 sales order.

7 Q Did you compose these lists, Exhibits O  
8 and P, by referring to your logbook?

9 A Yes.

10 Q That was the primary way that you  
11 identified these guns?

12 A Yes.

13 - - -

14 Discussion held off the record.

15 - - -

16 MR. BERNHART: Mr. Six, I have no  
17 further questions of you today. I would ask that  
18 Exhibits A through R be admitted into the record. I  
19 understand that some of the other attorneys may have  
20 some questions for you, and I'll pass it over to  
21 them. Thanks for your time.

22 - - -

23

24

1

- - -

2

## CROSS-EXAMINATION

3

By Mr. Conomy:

4

5

6

7

8

Q I know we've gone through a lot of paperwork, but can I get Exhibit Q out of that pile there from you? I think they've been placed in order. Exhibit Q is the Dealer Transaction Record Book, correct?

9

A Correct.

10

11

12

Q And if I understand and am clear on this, this, at least the first page, shows guns that were returned to you --

13

A Yes.

14

Q -- correct?

15

A Yes.

16

17

Q So I would like you to tell me what is the second gun listed there that --

18

19

A That is an Ithaca 1911-A1 World War II U.S. Military Issue 45, serial number 100374.

20

21

22

Q If I understood it, that was one of the guns then that made it on the U-Haul and made it back to your house?

23

A Yes.

24

Q And this morning, I guess, we got a list

1       that is Exhibit P, and the guns on that list you  
2       claim are guns that have not been returned to you,  
3       correct?

4               A       Correct.

5               Q       Can you tell me what is the fourth one  
6       from the bottom?

7               A       Yes. That would be another Ithaca 1911,  
8       No. 1374 serial number. See, 1911's were the first  
9       war, early issue. A1's were later ones.

10              Q       Let me see Exhibit Q, if I may. It's  
11       got the same 374 as the last three digits in the  
12       serial number as the one in Exhibit Q, and you're  
13       saying that there was another Ithaca 1911 with the  
14       last three numbers 374 that is missing?

15              A       Yes.

16              Q       Okay. And Exhibit J, would you return  
17       to Exhibit J, please.

18              A       Okay. That's the handwritten one.  
19       Okay.

20              Q       And if you could turn to the fifth page  
21       in, it says 000611 at the bottom.

22              A       Okay.

23              Q       Five up from the bottom it says No. 70A,  
24       Ithiza, with a Z, 1911. Would you agree that should

1 be Ithaca?

2 A Yes.

3 Q Serial number 101374?

4 A Yeah. That would be a third, a  
5 different third serial number.

6 Q So you're claiming there are three  
7 Ithaca 1911 guns each with serial numbers ending in  
8 374?

9 A Yeah. I didn't realize that.

10 Q And you did sign this document?

11 A This is 101374. Yeah, that's an A1,  
12 right. There is a difference between a 1911-A1 and a  
13 1911.

14 Q They both have the same last three  
15 digits in the serial number?

16 A Those three digits would come up  
17 periodically. They made thousands and thousands, so  
18 it would come up.

19 Q You happened to have three of them that  
20 ended up with the same last three digits?

21 A Didn't realize it until you pointed it  
22 out.

23 Q That's kind of like winning the lottery.

24 A Yeah. I have a pair of 1903 rifles at

1 home that are consecutive numbers. That's the only  
2 consecutively numbered pair that anybody has ever  
3 turned up. They were made during World War II. A  
4 rarity like that intrigues collectors. I appreciate  
5 you pointing that out. I wish I had all three  
6 pistols now.

7 Q And you signed Exhibit J at some point,  
8 correct? It's your signature on the last page?

9 A Yeah. I think I looked at this one  
10 before and noted that -- yeah, that's mine. I  
11 remember signing this.

12 Q And are you saying that your signature  
13 doesn't mean that you are acknowledging receiving  
14 these guns?

15 A Realizing in hindsight that might have  
16 been a mistake, but the only way I could have checked  
17 his list that he made at the top of the steps would  
18 be to unload the truck again and go through all the  
19 guns and make sure they were listed here.

20 Q Okay.

21 A It was already starting to rain.  
22 Everybody wanted to leave, me included.

23 Q So there is an Ithaca 1911 gun out there  
24 somewhere with serial number 1374, according to



1 Exhibit P, that should have been returned to you,  
2 this one fourth from the bottom?

3 A Yeah.

4 Q The complete serial number is 1374?

5 A Apparently, yeah. I guess I would have  
6 copied that out of my logbook.

7 Q And even though you signed Exhibit J,  
8 you're saying that doesn't mean that you actually  
9 agree that they returned to you an Ithaca 1911 with  
10 serial number 101374 on Exhibit J?

11 A Yeah. Well, yeah, is that missing too?  
12 You are getting me confused here now.

13 Q Exhibit J is the gun that --

14 A J, okay.

15 Q -- you're saying they produced at the  
16 top of the stairs.

17 A All right. Okay.

18 Q On the fifth page in, the fifth number  
19 from the bottom, fifth item from the bottom.

20 A Was that a 611? I am on the wrong page.  
21 10374.

22 Q But you didn't -- but you are saying  
23 your signature doesn't acknowledge having received  
24 that gun?

1           A       Well, I may have received that gun, but  
2       I didn't check it out, you know. The list, they  
3       brought the list down and said, sign this list, and I  
4       signed it.

5           Q       And --

6           A       Did I have that one listed? Am I  
7       missing it?

8           Q       That's what I'm trying to ask is whether  
9       No. 23 on Exhibit P, the Ithaca 1911 with the last  
10      four digits of a four digit serial number 1374, is  
11      the same as the Ithaca 1911 on Exhibit J with a six  
12      digit serial number, the last four digits of which  
13      are 1374, are you saying there are two different guns  
14      or would those be the same gun?

15          A       Actually, I think there's three  
16      different guns here.

17          Q       All of which end in the number 374?

18          A       That is amazing, but it can happen.  
19      They sequentially issue serial numbers as they build  
20      guns. 1374 would have been in the run, and it's a  
21      1911. Then I do -- I have that listed missing twice,  
22      but it's the same -- I have 1374 written in here, and  
23      it's also on this list. I see now. I have it  
24      written in -- I have it on two lists, the same gun.

1 But that's not -- that's not the same gun as 101374.

2 But I did have it listed twice as missing. I'm  
3 looking at O, Page 2, bottom gun.

4 Q Yes, I do see that. Thank you.

5 A And on P it's No. 23. It's also on this  
6 list as missing. So I have it recorded as missing on  
7 both lists.

8 Q And you have a document Exhibit J with  
9 your signature with a 101374.

10 A Yeah. According to what they have  
11 recorded here, I did receive it.

12 Q But you're saying those are two  
13 different guns?

14 A Correct.

15 Q And that you owned them both?

16 A That's correct.

17 Q And that you also have an Ithaca 1911-A  
18 with the last three digits 374?

19 A A-1, yes.

20 Q So are you missing the 101374, or are  
21 you missing the 1374?

22 A Well, apparently 1374.

23 Q And how do you know you are missing  
24 that?

1           A       I don't have it.

2           Q       How do we know you ever did?

3           A       Let's see. It will be in my record book  
4 and who I bought it from, and I may or may not have  
5 the purchase order. I don't know. I haven't looked  
6 for it specifically.

7           Q       And do you have three purchase orders  
8 for 1911 models of Ithaca guns all ending with the  
9 serial last three digits 374?

10          A       It's possible. I know it's hard to  
11 believe. I take it you're thinking do all three  
12 numbers refer to the same gun.

13          Q       I'm asking you the questions. All  
14 right. Let me move on to another subject then.

15                   Who helped you unload the U-Haul?

16          A       Nobody. I was home by myself. Took me  
17 all day.

18          Q       What measures do you take to keep your  
19 firearms and ammunition secure so that nobody can  
20 walk in and take them?

21          A       The room that I keep them in locks.

22          Q       And what kind of door does it have?

23          A       It's a wooden door. It has a key lock.

24          Q       Is it a solid wooden door?

1           A       No, it's like this one.

2           Q       A hollow wooden door?

3           A       I think so, yeah.

4           Q       What kind of lock does it have?

5           A       It's a key lock. I couldn't tell you  
6       the manufacturer.

7           Q       So you don't have a safe that all these  
8       guns are kept in?

9           A       No, no. I consider the room to be  
10       pretty much a safe.

11          Q       Does it have a window?

12          A       Yeah, but it's too small to get in and  
13       out of.

14          Q       How many guns did you have in your house  
15       when the shipment of marijuana arrived?

16          A       Well, my guess would be probably close  
17       to 400.

18          Q       How would you arrive at that guess?

19          A       I remember having -- when we went to  
20       court the first time, the indictment said 300. They  
21       asked me, he says, "300, is that correct?" I said,  
22       "I would have guessed it closer to 400."

23          Q       So that's a guess?

24          A       It's a guess. I never totaled them up,

1       you know, never counted them. I'm a collector.  
2       Quantifying or even putting values on was not what my  
3       interest was in the guns. I'm more into the history.

4               Q       So you never really counted how many you  
5       had?

6               A       No.

7               Q       How many guns came back to your house in  
8       that U-Haul?

9               A       I believe it was 211.

10              Q       Did you count?

11              A       Yeah.

12              Q       When was the last time that you had an  
13       audit from the ATF before the shipment of marijuana  
14       arrived?

15              A       I don't remember. Generally they come  
16       around once a year.

17              Q       What were you wearing at the time that  
18       the shipment of marijuana arrived?

19              A       Well, I had on my jeans and my T-shirt.  
20       I usually wear jeans and a T-shirt and moccasins  
21       around the house. I think I still had it on when he  
22       got there. I had been out mowing the grass and doing  
23       yard work and stuff, and I was pretty hot.

24                      I think he arrived and I got those

1 packages, and when I saw those Styrofoam peanuts  
2 start flying, I didn't want to deal with it. So I  
3 was taking my clothes off getting ready to go take a  
4 shower when the rest of the crew arrived.

5 Q Did you have the air conditioning on?

6 A Oh, yeah.

7 Q What was it set at?

8 A 73.

9 Q So it was a lot cooler inside than  
10 outside?

11 A Oh, yeah.

12 Q When you were brought into the jail and  
13 they did the medical intake form, did you tell them  
14 that you had passed out?

15 A I don't remember if I did or not really.

16 Q Well, if you could scare up Exhibit D  
17 there for a moment.

18 A Okay.

19 Q All right. And in the second section,  
20 No. 8, at least what the document indicates is that  
21 you responded "no" about fainting.

22 A Yeah. I took that like to be right  
23 above there epilepsy, diabetes, you know, are you  
24 afflicted with these problems, and fainting being a

1       problem that I am not afflicted with.

2               Q       And nowhere on this form, you will agree  
3       with me, does it say -- does it at least remark that  
4       you had told somebody that you passed out?

5               A       No, it doesn't. I have no memory of  
6       telling anybody that except the other inmates, you  
7       know, I discussed it with them. I was in a lot of  
8       pain. I wasn't that concerned about passing out at  
9       that point. It was my ribs that were hurting.

10              Q       I think you said there were three  
11       individuals that escorted you out of the house and  
12       into the cruiser?

13              A       I think it was three.

14              Q       Do you remember, I think you said they  
15       were wearing uniforms; is that correct?

16              A       Uh-huh.

17              Q       Do you know which agency uniforms they  
18       were wearing?

19              A       No.

20              Q       You couldn't tell me if they were  
21       sheriff's office, state --

22              A       No.

23              Q       -- people?

24              A       I really can't. I don't remember. I



1       couldn't tell you who it was. I was -- I thought I  
2       was going to wake up any moment then.

3               Q       What kind of dogs do you have in the  
4       kennel there?

5               A       Pit bull dogs, registered.

6               Q       About how many?

7               A       I had six when they came. They took  
8       them.

9               Q       A few times you have mentioned a receipt  
10       that they left at the house.

11              A       Uh-huh.

12              Q       I was just hoping if you could tell me  
13       which exhibit letter, I think we looked at that, but  
14       I just want to make sure I know what you have said is  
15       the receipt through this depo.

16              A       This one (indicating).

17              Q       You were referring to, what's the  
18       exhibit sticker on that say?

19              A       H.

20              Q       I'm sorry?

21              A       H.

22              Q       That's all I've got. Thank you.

23                      MS. CHANCELLOR:       I don't have any  
24       questions.

1

- - -

2

## DIRECT EXAMINATION

3

By Mr. Pettey:

4

Q I have a couple of follow-ups. It will

5

take me a minute to get back to them. Okay.

6

Mr. Six, we talked about on the day that

7

the weapons, some of the weapons were returned to

8

you, that there were two lists made. And you gave

9

testimony somewhat to the effect, I don't remember

10

the exact words, that you believe that Mr. Jagers

11

compiled his list of missing guns by looking at

12

Exhibit J and comparing that to some other documents.

13

Do you know how Mr. Jagers reached or arrived at his

14

list of missing guns?

15

A No. Actually, no. Never talked to him

16

after that day.

17

Q When you said that, you were

18

speculating?

19

A Well, to tell you the truth, at the time

20

I was taking that this was the list he wrote at the

21

bottom (indicating).

22

Q So you misunderstood?

23

A Yes, it was my mistake. I thought I was

24

looking -- because I would imagine that he made his

1 list out and did his work off his list.

2 Q And he never gave you a copy of that  
3 list?

4 A No, I never had a copy. I never saw  
5 either list until this proceeding.

6 Q Now, with regard to the Thompson that  
7 was seized, had there been any prior legal  
8 proceedings about that gun?

9 A Well, not really legal proceedings per  
10 se, but when I lived down on Sharts Road, I took it  
11 outside and shot it, and they called the sheriff and  
12 the sheriff came out and investigated at the time.

13 Q And so there was some documentation  
14 relating to that?

15 A Yes.

16 Q And you referred to that in your appeal?

17 A Yeah.

18 Q Do you believe that's additional  
19 evidence of your ownership?

20 A Of that, uh-huh.

21 MR. PETTEY: That's all I have.

22 We have the right to read this  
23 deposition before it becomes official or waive the  
24 reading of the transcript of this deposition. That's

1 up to you, if you would like to read it or not to  
2 read it. I don't have any concern, and I'm satisfied  
3 without reading it if you are okay with that.

4 THE WITNESS: If you are okay with  
5 it, I am okay with it.

6 MR. PETTEY: We'll waive.

7 - - -

8 Signature waived.

9 - - -

10 Thereupon, at 5:30 p.m.,  
11 Thursday, April 11, 2013,  
the deposition was concluded.

12 - - -

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## C E R T I F I C A T E

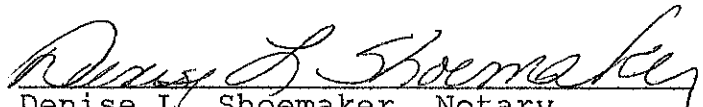
STATE OF OHIO            )  
                              )     SS:  
COUNTY OF MADISON     )

I, Denise L. Shoemaker, a Notary Public in and for the State of Ohio, do hereby certify that before the taking of his deposition, the said Robert Six, was first duly sworn by me to tell the truth, the whole truth, and nothing but the truth;

That said deposition was taken in all respects pursuant to the stipulations of counsel heretofore set forth and given at the said time and place by the said Robert Six;

That I am not an attorney for or relative of either party and have no interest whatsoever in the event of this litigation; and I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office at London, Ohio, this 6th day of May, 2013.

  
Denise L. Shoemaker, Notary  
Public in and for the State of Ohio.

My Commission Expires: January 27, 2014.

- - -